

By: Allen of Dallas

H.B. No. 867

Substitute the following for H.B. No. 867:

By: Keel

C.S.H.B. No. 867

A BILL TO BE ENTITLED

AN ACT

relating to the registration and supervision of sex offenders;  
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SEX OFFENDER REGISTRATION REQUIREMENTS

SECTION 1.01. Chapter 62, Code of Criminal Procedure, is  
reenacted and amended to read as follows:

CHAPTER 62. SEX OFFENDER REGISTRATION PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Art. 62.001 [~~62.01~~]. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public  
Safety.

(2) "Local law enforcement authority" means the chief  
of police of a municipality or the sheriff of a county in this  
state.

(3) "Penal institution" means a confinement facility  
operated by or under a contract with any division of the Texas  
Department of Criminal Justice, a confinement facility operated by  
or under contract with the Texas Youth Commission, or a juvenile  
secure pre-adjudication or post-adjudication facility operated by  
or under a local juvenile probation department, or a county jail.

(4) "Released" means discharged, paroled, placed in a  
nonsecure community program for juvenile offenders, or placed on  
juvenile probation, community supervision, or mandatory

1 supervision.

2 (5) "Reportable conviction or adjudication" means a  
3 conviction or adjudication, including an adjudication of  
4 delinquent conduct or a deferred adjudication, [~~regardless of the~~  
5 ~~pendency of an appeal,~~] that, regardless of the pendency of an  
6 appeal, is a conviction for or an adjudication for or based on:

7 (A) [~~a conviction for~~] a violation of Section  
8 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021  
9 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),  
10 Penal Code;

11 (B) [~~a conviction for~~] a violation of Section  
12 43.05 (Compelling prostitution), 43.25 (Sexual performance by a  
13 child), or 43.26 (Possession or promotion of child pornography),  
14 Penal Code;

15 (C) [~~a conviction for~~] a violation of Section  
16 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor  
17 [~~defendant~~] committed the offense or engaged in the conduct with  
18 intent to violate or abuse the victim sexually;

19 (D) [~~a conviction for~~] a violation of Section  
20 30.02 (Burglary), Penal Code, if the offense or conduct is  
21 punishable under Subsection (d) of that section and the actor  
22 [~~defendant~~] committed the offense or engaged in the conduct with  
23 intent to commit a felony listed in Paragraph (A) or (C);

24 (E) [~~a conviction for~~] a violation of Section  
25 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04  
26 (Aggravated kidnapping), Penal Code, if, as applicable:

27 (i) the judgment in the case contains an

1 affirmative finding under Article 42.015; or

2 (ii) the order in the hearing or the papers  
3 in the case contain an affirmative finding that the victim or  
4 intended victim was younger than 17 years of age;

5 (F) a violation of Section 21.12 (Improper  
6 relationship between educator and student) or Section 21.15  
7 (Improper photography or visual recording), Penal Code;

8 (G) [~~(F)~~] the second [~~conviction for a~~  
9 violation of Section 21.08 (Indecent exposure), Penal Code, but not  
10 if the second violation results in a deferred adjudication;

11 (H) [~~(C) a conviction for]~~ an attempt,  
12 conspiracy, or solicitation, as defined by Chapter 15, Penal Code,  
13 to commit an offense or engage in conduct listed in Paragraph (A),  
14 (B), (C), (D), [~~or~~] (E), or (F);

15 (I) [~~(H) an adjudication of delinquent conduct:~~  
16 ~~[(i) based on a violation of one of the~~  
17 ~~offenses listed in Paragraph (A), (B), (C), (D), or (G) or, if the~~  
18 ~~order in the hearing contains an affirmative finding that the~~  
19 ~~victim or intended victim was younger than 17 years of age, one of~~  
20 ~~the offenses listed in Paragraph (E); or~~

21 ~~[(ii) for which two violations of the~~  
22 ~~offense listed in Paragraph (F) are shown;~~

23 ~~[(I) a deferred adjudication for an offense~~  
24 ~~listed in:~~

25 ~~[(i) Paragraph (A), (B), (C), (D), or (G);~~

26 ~~or~~

27 ~~[(ii) Paragraph (E) if the papers in the~~

1 ~~case contain an affirmative finding that the victim or intended~~  
2 ~~victim was younger than 17 years of age;~~

3 [~~(J)~~] a violation of [~~conviction under~~] the laws  
4 of another state, federal law, the laws of a foreign country, or the  
5 Uniform Code of Military Justice for or based on the violation of an  
6 offense containing elements that are substantially similar to the  
7 elements of an offense listed under Paragraph (A), (B), (C), (D),  
8 (E), (F), or (H), but not if the violation results in a deferred  
9 adjudication [~~(G)~~]; or

10 (J) [~~(K)~~ ~~an adjudication of delinquent conduct~~  
11 ~~under the laws of another state, federal law, or the laws of a~~  
12 ~~foreign country based on a violation of an offense containing~~  
13 ~~elements that are substantially similar to the elements of an~~  
14 ~~offense listed under Paragraph (A), (B), (C), (D), (E), or (G);~~

15 [~~(L)~~] the second violation of [~~conviction under~~]  
16 the laws of another state, federal law, the laws of a foreign  
17 country, or the Uniform Code of Military Justice for or based on the  
18 violation of an offense containing elements that are substantially  
19 similar to the elements of the offense of indecent exposure, but not  
20 if the second violation results in a deferred adjudication [~~, or~~

21 [~~(M)~~ ~~the second adjudication of delinquent~~  
22 ~~conduct under the laws of another state, federal law, or the laws of~~  
23 ~~a foreign country based on a violation of an offense containing~~  
24 ~~elements that are substantially similar to the elements of the~~  
25 ~~offense of indecent exposure].~~

26 (6) "Sexually violent offense" means any of the  
27 following offenses committed by a person 17 years of age or older:

1 (A) an offense under Section 21.11(a)(1)  
2 (Indecency with a child), 22.011 (Sexual assault), or 22.021  
3 (Aggravated sexual assault), Penal Code;

4 (B) an offense under Section 43.25 (Sexual  
5 performance by a child), Penal Code;

6 (C) an offense under Section 20.04(a)(4)  
7 (Aggravated kidnapping), Penal Code, if the defendant committed the  
8 offense with intent to violate or abuse the victim sexually;

9 (D) an offense under Section 30.02 (Burglary),  
10 Penal Code, if the offense is punishable under Subsection (d) of  
11 that section and the defendant committed the offense with intent to  
12 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);  
13 or

14 (E) an offense under the laws of another state,  
15 federal law, the laws of a foreign country, or the Uniform Code of  
16 Military Justice if the offense contains elements that are  
17 substantially similar to the elements of an offense listed under  
18 Paragraph (A), (B), (C), or (D).

19 (7) "Residence" includes a residence established in  
20 this state by a person described by Article 62.152(e) [~~62.063(e)~~].

21 (8) "Public or private institution of higher  
22 education" includes a college, university, community college, or  
23 technical or trade institute.

24 (9) "Authority for campus security" means the  
25 authority with primary law enforcement jurisdiction over property  
26 under the control of a public or private institution of higher  
27 education, other than a local law enforcement authority.

1           (10) "Extrajurisdictional registrant" means a person  
2 who:

3                   (A) is required to register as a sex offender  
4 under:

5                           (i) the laws of another state with which the  
6 department has entered into a reciprocal registration agreement;

7                           (ii) federal law or the Uniform Code of  
8 Military Justice; or

9                           (iii) the laws of a foreign country; and

10                   (B) is not otherwise required to register under  
11 this chapter because:

12                           (i) the person does not have a reportable  
13 conviction for an offense under the laws of the other state, federal  
14 law, the laws of the foreign country, or the Uniform Code of  
15 Military Justice containing elements that are substantially  
16 similar to the elements of an offense requiring registration under  
17 this chapter; or

18                           (ii) the person does not have a reportable  
19 adjudication of delinquent conduct based on a violation of an  
20 offense under the laws of the other state, federal law, or the laws  
21 of the foreign country containing elements that are substantially  
22 similar to the elements of an offense requiring registration under  
23 this chapter.

24           Art. 62.002. APPLICABILITY OF CHAPTER. (a) This chapter  
25 applies only to a reportable conviction or adjudication occurring  
26 on or after September 1, 1970.

27           (b) Except as provided by Subsection (c), the duties imposed

1 on a person required to register under this chapter on the basis of  
2 a reportable conviction or adjudication, and the corresponding  
3 duties and powers of other entities in relation to the person  
4 required to register on the basis of that conviction or  
5 adjudication, are not affected by:

- 6           (1) an appeal of the conviction or adjudication; or  
7           (2) a pardon of the conviction or adjudication.

8           (c) If a conviction or adjudication that is the basis of a  
9 duty to register under this chapter is set aside on appeal by a  
10 court or if the person required to register under this chapter on  
11 the basis of a conviction or adjudication receives a pardon on the  
12 basis of subsequent proof of innocence, the duties imposed on the  
13 person by this chapter and the corresponding duties and powers of  
14 other entities in relation to the person are terminated.

15           Art. 62.003 [~~62.0101~~].           DETERMINATION           REGARDING  
16 SUBSTANTIALLY SIMILAR ELEMENTS OF OFFENSE. (a) For the purposes of  
17 this chapter, the [The] department is responsible for determining  
18 [for the purposes of this chapter] whether an offense under the laws  
19 of another state, federal law, the laws of a foreign country, or the  
20 Uniform Code of Military Justice contains elements that are  
21 substantially similar to the elements of an offense under the laws  
22 of this state.

23           (b) The department annually shall provide or make available  
24 to each prosecuting attorney's office in this state:

- 25           (1) the criteria used in making a determination under  
26 Subsection (a); and  
27           (2) any existing record or compilation of offenses

1 under the laws of another state, federal law, the laws of a foreign  
2 country, and the Uniform Code of Military Justice that the  
3 department has already determined to contain elements that are  
4 substantially similar to the elements of offenses under the laws of  
5 this state.

6 (c) An appeal of a determination made under this article  
7 shall be brought in a district court in Travis County.

8 Art. 62.004 [~~62.0102~~]. DETERMINATION REGARDING PRIMARY  
9 REGISTRATION AUTHORITY. (a) For each person subject to  
10 registration under this chapter, the department shall determine  
11 which local law enforcement authority serves as the person's  
12 primary registration authority based on the municipality or county  
13 in which the person resides or, as provided by Article 62.152  
14 [~~62.061, as added by Chapters 1193 and 1415, Acts of the 76th~~  
15 ~~Legislature, Regular Session, 1999~~], the municipality or county in  
16 which the person works or attends school.

17 (b) The department shall notify each person subject to  
18 registration under this chapter of the person's primary  
19 registration authority in a timely manner.

20 Art. 62.005. CENTRAL DATABASE; PUBLIC INFORMATION. (a)  
21 The department shall maintain a computerized central database  
22 containing the information required for registration under this  
23 chapter. The department may include in the computerized central  
24 database the numeric risk level assigned to a person under this  
25 chapter.

26 (b) The information contained in the database, including  
27 the numeric risk level assigned to a person under this chapter, is

1 public information, with the exception of any information:

2 (1) regarding the person's social security number,  
3 driver's license number, or telephone number;

4 (2) that is required by the department under Article  
5 62.051(c)(7); or

6 (3) that would identify the victim of the offense for  
7 which the person is subject to registration.

8 (c) Notwithstanding Chapter 730, Transportation Code, the  
9 department shall maintain in the database, and shall post on any  
10 department website related to the database, any photograph of the  
11 person that is available through the process for obtaining or  
12 renewing a personal identification certificate or driver's license  
13 under Section 521.103 or 521.272, Transportation Code. The  
14 department shall update the photograph in the database and on the  
15 website annually or as the photograph otherwise becomes available  
16 through the renewal process for the certificate or license.

17 (d) A local law enforcement authority shall release public  
18 information described under Subsection (b) to any person who  
19 requests the information from the authority. The authority may  
20 charge the person a fee not to exceed the amount reasonably  
21 necessary to cover the administrative costs associated with the  
22 authority's release of information to the person under this  
23 subsection.

24 (e) The department shall provide a licensing authority with  
25 notice of any person required to register under this chapter who  
26 holds or seeks a license that is issued by the authority. The  
27 department shall provide the notice required by this subsection as

1 the applicable licensing information becomes available through the  
2 person's registration or verification of registration.

3 (f) On the written request of a licensing authority that  
4 identifies an individual and states that the individual is an  
5 applicant for or a holder of a license issued by the authority, the  
6 department shall release any information described by Subsection  
7 (a) to the licensing authority.

8 (g) For the purposes of Subsections (e) and (f):

9 (1) "License" means a license, certificate,  
10 registration, permit, or other authorization that:

11 (A) is issued by a licensing authority; and

12 (B) a person must obtain to practice or engage in  
13 a particular business, occupation, or profession.

14 (2) "Licensing authority" means a department,  
15 commission, board, office, or other agency of the state or a  
16 political subdivision of the state that issues a license.

17 (h) Not later than the third day after the date on which the  
18 applicable information becomes available through the person's  
19 registration or verification of registration or under Article  
20 62.058, the department shall send notice of any person required to  
21 register under this chapter who is or will be employed, carrying on  
22 a vocation, or a student at a public or private institution of  
23 higher education in this state to:

24 (1) for an institution in this state:

25 (A) the authority for campus security for that  
26 institution; or

27 (B) if an authority for campus security for that

1 institution does not exist, the local law enforcement authority of:

2 (i) the municipality in which the  
3 institution is located; or

4 (ii) the county in which the institution is  
5 located, if the institution is not located in a municipality; or

6 (2) for an institution in another state, any existing  
7 authority for campus security at that institution.

8 (i) On the written request of an institution of higher  
9 education described by Subsection (h) that identifies an individual  
10 and states that the individual has applied to work or study at the  
11 institution, the department shall release any information  
12 described by Subsection (a) to the institution.

13 Art. 62.006. INFORMATION PROVIDED TO PEACE OFFICER ON  
14 REQUEST. The department shall establish a procedure by which a  
15 peace officer or employee of a law enforcement agency who provides  
16 the department with a driver's license number, personal  
17 identification certificate number, or license plate number is  
18 automatically provided information as to whether the person to whom  
19 the driver's license or personal identification certificate is  
20 issued is required to register under this chapter or whether the  
21 license plate number is entered in the computerized central  
22 database under Article 62.005 as assigned to a vehicle owned or  
23 driven by a person required to register under this chapter.

24 Art. 62.007. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER  
25 SCREENING TOOL. (a) The Texas Department of Criminal Justice shall  
26 establish a risk assessment review committee composed of at least  
27 seven members, each of whom serves on the review committee in

1 addition to the member's other employment-related duties. The  
2 review committee, to the extent feasible, must include at least:

3 (1) one member having experience in law enforcement;

4 (2) one member having experience working with juvenile  
5 sex offenders;

6 (3) one member having experience as a sex offender  
7 treatment provider;

8 (4) one member having experience working with victims  
9 of sex offenses;

10 (5) the executive director of the Council on Sex  
11 Offender Treatment; and

12 (6) one sex offender treatment provider registered  
13 under Chapter 110, Occupations Code, and selected by the executive  
14 director of the Council on Sex Offender Treatment to serve on the  
15 review committee.

16 (b) The risk assessment review committee functions in an  
17 oversight capacity. The committee shall:

18 (1) develop or select, from among existing tools or  
19 from any tool recommended by the Council on Sex Offender Treatment,  
20 a sex offender screening tool to be used in determining the level of  
21 risk of a person subject to registration under this chapter;

22 (2) ensure that staff is trained on the use of the  
23 screening tool;

24 (3) monitor the use of the screening tool in the state;  
25 and

26 (4) analyze other screening tools as they become  
27 available and revise or replace the existing screening tool if

1 warranted.

2 (c) The sex offender screening tool must use an objective  
3 point system under which a person is assigned a designated number of  
4 points for each of various factors. In developing or selecting the  
5 sex offender screening tool, the risk assessment review committee  
6 shall use or shall select a screening tool that may be adapted to  
7 use the following general guidelines:

8 (1) level one (low): a designated range of points on  
9 the sex offender screening tool indicating that the person poses a  
10 low danger to the community and will not likely engage in criminal  
11 sexual conduct;

12 (2) level two (moderate): a designated range of  
13 points on the sex offender screening tool indicating that the  
14 person poses a moderate danger to the community and might continue  
15 to engage in criminal sexual conduct; and

16 (3) level three (high): a designated range of points  
17 on the sex offender screening tool indicating that the person poses  
18 a serious danger to the community and will continue to engage in  
19 criminal sexual conduct.

20 (d) The risk assessment review committee, the Texas  
21 Department of Criminal Justice, the Texas Youth Commission, or a  
22 court may override a risk level only if the entity:

23 (1) believes that the risk level assessed is not an  
24 accurate prediction of the risk the offender poses to the  
25 community; and

26 (2) documents the reason for the override in the  
27 offender's case file.

1       (e) Notwithstanding Chapter 58, Family Code, records and  
2 files, including records that have been sealed under Section 58.003  
3 of that code, relating to a person for whom a court, the Texas  
4 Department of Criminal Justice, or the Texas Youth Commission is  
5 required under this article to determine a level of risk shall be  
6 released to the court, department, or commission, as appropriate,  
7 for the purpose of determining the person's risk level.

8       (f) Chapter 551, Government Code, does not apply to a  
9 meeting of the risk assessment review committee.

10       (g) The numeric risk level assigned to a person using the  
11 sex offender screening tool described by this article is not  
12 confidential and is subject to disclosure under Chapter 552,  
13 Government Code.

14       Art. 62.008. GENERAL IMMUNITY. The following persons are  
15 immune from liability for good faith conduct under this chapter:

16               (1) an employee or officer of the Texas Department of  
17 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
18 Probation Commission, the Department of Public Safety, the Board of  
19 Pardons and Paroles, or a local law enforcement authority;

20               (2) an employee or officer of a community supervision  
21 and corrections department or a juvenile probation department;

22               (3) a member of the judiciary; and

23               (4) a member of the risk assessment review committee  
24 established under Article 62.007.

25       Art. 62.009. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

26       (a) The department, a penal institution, a local law enforcement  
27 authority, or an authority for campus security may release to the

1 public information regarding a person required to register under  
2 this chapter only if the information is public information under  
3 this chapter.

4 (b) An individual, agency, entity, or authority is not  
5 liable under Chapter 101, Civil Practice and Remedies Code, or any  
6 other law for damages arising from conduct authorized by Subsection  
7 (a).

8 (c) For purposes of determining liability, the release or  
9 withholding of information by an appointed or elected officer of an  
10 agency, entity, or authority is a discretionary act.

11 (d) A private primary or secondary school, public or private  
12 institution of higher education, or administrator of a private  
13 primary or secondary school or public or private institution of  
14 higher education may release to the public information regarding a  
15 person required to register under this chapter only if the  
16 information is public information under this chapter and is  
17 released to the administrator under Article 62.005, 62.053, 62.054,  
18 62.055, or 62.153. A private primary or secondary school, public or  
19 private institution of higher education, or administrator of a  
20 private primary or secondary school or public or private  
21 institution of higher education is not liable under any law for  
22 damages arising from conduct authorized by this subsection.

23 Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of  
24 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
25 Probation Commission, and the department may adopt any rule  
26 necessary to implement this chapter.

1                   SUBCHAPTER B. REGISTRATION AND VERIFICATION

2                                   REQUIREMENTS; RELATED NOTICE

3           ~~[Art. 62.0105. EXEMPTION FROM REGISTRATION FOR CERTAIN SEX~~  
4 ~~OFFENDERS. (a) If eligible under Subsection (b) or (c), a person~~  
5 ~~required to register under this chapter may petition the court~~  
6 ~~having jurisdiction over the case for an order exempting the person~~  
7 ~~from registration under this chapter at any time after the person's~~  
8 ~~sentencing or after the person is placed on deferred adjudication~~  
9 ~~community supervision.~~

10           ~~[(b) A person is eligible to petition the court as described~~  
11 ~~by Subsection (a) if:~~

12                   ~~[(1) the person is required to register only as a~~  
13 ~~result of a single reportable conviction or adjudication, other~~  
14 ~~than an adjudication of delinquent conduct; and~~

15                   ~~[(2) the court has entered in the appropriate judgment~~  
16 ~~or has filed with the appropriate papers a statement of an~~  
17 ~~affirmative finding described by Article 42.017 or Section 5(g),~~  
18 ~~Article 42.12.~~

19           ~~[(c) A defendant who before September 1, 2001, is convicted~~  
20 ~~of or placed on deferred adjudication community supervision for an~~  
21 ~~offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,~~  
22 ~~is eligible to petition the court as described by Subsection (a).~~  
23 ~~The court may consider the petition only if the petition states and~~  
24 ~~the court finds that the defendant would have been entitled to the~~  
25 ~~entry of an affirmative finding under Article 42.017 or Section~~  
26 ~~5(g), Article 42.12, as appropriate, had the conviction or~~  
27 ~~placement on deferred adjudication community supervision occurred~~

1 ~~after September 1, 2001.~~

2 ~~[(d) After a hearing on the petition described by Subsection~~  
3 ~~(a), the court may issue an order exempting the person from~~  
4 ~~registration under this chapter if it appears by a preponderance of~~  
5 ~~the evidence.~~

6 ~~[(1) as presented by a registered sex offender~~  
7 ~~treatment provider, that the exemption does not threaten public~~  
8 ~~safety; and~~

9 ~~[(2) that the person's conduct did not occur without~~  
10 ~~the consent of the victim or intended victim as described by Section~~  
11 ~~22.011(b), Penal Code.~~

12 ~~[(c) An order exempting the person from registration under~~  
13 ~~this chapter does not expire, but the court shall withdraw the order~~  
14 ~~if after the order is issued the person receives a reportable~~  
15 ~~conviction or adjudication under this chapter.~~

16 ~~[Art. 62.011. WORKERS OR STUDENTS. (a) A person is~~  
17 ~~employed or carries on a vocation for purposes of this chapter if~~  
18 ~~the person works or volunteers on a full-time or part-time basis for~~  
19 ~~a consecutive period exceeding 14 days or for an aggregate period~~  
20 ~~exceeding 30 days in a calendar year. A person works for purposes~~  
21 ~~of this subsection regardless of whether the person works for~~  
22 ~~compensation or for governmental or educational benefit.~~

23 ~~[(b) A person is a student for purposes of this chapter if~~  
24 ~~the person enrolls on a full-time or part-time basis in any~~  
25 ~~educational facility, including:~~

26 ~~[(1) a public or private primary or secondary school,~~  
27 ~~including a high school or alternative learning center; or~~

1           ~~[(2) a public or private institution of higher~~  
2 ~~education.]~~

3           Art. 62.051 [~~62.02~~]. REGISTRATION: GENERAL. (a) A person  
4 who has a reportable conviction or adjudication or who is required  
5 to register as a condition of parole, release to mandatory  
6 supervision, or community supervision shall register or, if the  
7 person is a person for whom registration is completed under this  
8 chapter, verify registration as provided by Subsection (f) [~~(d)~~],  
9 with the local law enforcement authority in any municipality where  
10 the person resides or intends to reside for more than seven days.  
11 If the person does not reside or intend to reside in a municipality,  
12 the person shall register or verify registration in any county  
13 where the person resides or intends to reside for more than seven  
14 days. The person shall satisfy the requirements of this subsection  
15 not later than the later of:

16           (1) the seventh day after the person's arrival in the  
17 municipality or county; or

18           (2) the first date the local law enforcement authority  
19 of the municipality or county by policy allows the person to  
20 register or verify registration, as applicable.

21           (b) The department shall provide the Texas Department of  
22 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
23 Probation Commission, and each local law enforcement authority,  
24 authority for campus security, county jail, and court with a form  
25 for registering persons required by this chapter to register.

26           (c) The registration form shall require:

27           (1) the person's full name, each alias, date of birth,

1 sex, race, height, weight, eye color, hair color, social security  
2 number, driver's license number, shoe size, and home address;

3 (2) a recent color photograph or, if possible, an  
4 electronic digital image of the person and a complete set of the  
5 person's fingerprints;

6 (3) the type of offense the person was convicted of,  
7 the age of the victim, the date of conviction, and the punishment  
8 received;

9 (4) an indication as to whether the person is  
10 discharged, paroled, or released on juvenile probation, community  
11 supervision, or mandatory supervision;

12 (5) an indication of each license, as defined by  
13 Article 62.005(g) [~~62.08(g)~~], that is held or sought by the person;

14 (6) an indication as to whether the person is or will  
15 be employed, carrying on a vocation, or a student at a particular  
16 public or private institution of higher education in this state or  
17 another state, and the name and address of that institution; and

18 (7) any other information required by the department.

19 (d) The registration form must contain a statement and  
20 description of any registration duties the person has or may have  
21 under this chapter.

22 (e) [~~(e)~~] Not later than the third day after a person's  
23 registering, the local law enforcement authority with whom the  
24 person registered shall send a copy of the registration form to the  
25 department and, if the person resides on the campus of a public or  
26 private institution of higher education, to any authority for  
27 campus security for that institution.

1           (f) [~~(d)~~] A person for whom registration is completed under  
2 this chapter shall report to the applicable local law enforcement  
3 authority to verify the information in the registration form  
4 received by the authority under this chapter. The authority shall  
5 require the person to produce proof of the person's identity and  
6 residence before the authority gives the registration form to the  
7 person for verification. If the information in the registration  
8 form is complete and accurate, the person shall verify registration  
9 by signing the form. If the information is not complete or not  
10 accurate, the person shall make any necessary additions or  
11 corrections before signing the form.

12           (g) [~~(e)~~] A person who is required to register or verify  
13 registration under this chapter shall ensure that the person's  
14 registration form is complete and accurate with respect to each  
15 item of information required by the form in accordance with  
16 Subsection (c) [~~(b)~~].

17           (h) [~~(f)~~] If a person subject to registration under this  
18 chapter does not move to an intended residence by the end of the  
19 seventh day after the date on which the person is released or the  
20 date on which the person leaves a previous residence, the person  
21 shall:

22                   (1) report to the juvenile probation officer,  
23 community supervision and corrections department officer, or  
24 parole officer supervising the person by not later than the seventh  
25 day after the date on which the person is released or the date on  
26 which the person leaves a previous residence, as applicable, and  
27 provide the officer with the address of the person's temporary

1 residence; and

2 (2) continue to report to the person's supervising  
3 officer not less than weekly during any period of time in which the  
4 person has not moved to an intended residence and provide the  
5 officer with the address of the person's temporary residence.

6 (i) ~~[(g)]~~ If the other state has a registration requirement  
7 for sex offenders, a person who has a reportable conviction or  
8 adjudication, who resides in this state, and who is employed,  
9 carries on a vocation, or is a student in another state shall, not  
10 later than the 10th day after the date on which the person begins to  
11 work or attend school in the other state, register with the law  
12 enforcement authority that is identified by the department as the  
13 authority designated by that state to receive registration  
14 information. If the person is employed, carries on a vocation, or  
15 is a student at a public or private institution of higher education  
16 in the other state and if an authority for campus security exists at  
17 the institution, the person shall also register with that authority  
18 not later than the 10th day after the date on which the person  
19 begins to work or attend school.

20 Art. 62.052 ~~[62.021]~~. REGISTRATION: EXTRAJURISDICTIONAL  
21 ~~[OUT-OF-STATE]~~ REGISTRANTS. (a) An extrajurisdictional  
22 registrant ~~[This article applies to a person who:~~

23 ~~[(1) is required to register as a sex offender under:~~

24 ~~[(A) the laws of another state with which the~~  
25 ~~department has entered into a reciprocal registration agreement,~~

26 ~~[(B) federal law or the Uniform Code of Military~~

27 ~~Justice, or~~

1                   ~~[(C) the laws of a foreign country, and~~

2                   ~~[(2) is not otherwise required to register under this~~  
3 ~~chapter because.~~

4                   ~~[(A) the person does not have a reportable~~  
5 ~~conviction for an offense under the laws of the other state, federal~~  
6 ~~law, the laws of the foreign country, or the Uniform Code of~~  
7 ~~Military Justice containing elements that are substantially~~  
8 ~~similar to an offense requiring registration under this chapter; or~~

9                   ~~[(B) the person does not have a reportable~~  
10 ~~adjudication of delinquent conduct based on a violation of an~~  
11 ~~offense under the laws of the other state, federal law, or the laws~~  
12 ~~of the foreign country containing elements that are substantially~~  
13 ~~similar to an offense requiring registration under this chapter.~~

14                   ~~[(b) A person described by Subsection (a)]~~ is required to  
15 comply with the annual verification requirements of Article 62.058  
16 [~~62.06~~] in the same manner as a person who is required to verify  
17 registration on the basis of a reportable conviction or  
18 adjudication.

19                   (b) ~~[(c)]~~ The duty to register for an extrajurisdictional  
20 registrant [~~a person described by Subsection (a)]~~ expires on the  
21 date the person's duty to register would expire under the laws of  
22 the other state or foreign country had the person remained in that  
23 state or foreign country, under federal law, or under the Uniform  
24 Code of Military Justice, as applicable.

25                   (c) ~~[(d)]~~ The department may negotiate and enter into a  
26 reciprocal registration agreement with any other state to prevent  
27 residents of this state and residents of the other state from

1 frustrating the public purpose of the registration of sex offenders  
2 by moving from one state to the other.

3 Art. 62.053 [~~62.03~~]. PRERELEASE NOTIFICATION. (a) Before  
4 a person who will be subject to registration under this chapter is  
5 due to be released from a penal institution, the Texas Department of  
6 Criminal Justice or the Texas Youth Commission shall determine the  
7 person's level of risk to the community using the sex offender  
8 screening tool developed or selected under Article 62.007 [~~62.035~~]  
9 and assign to the person a numeric risk level of one, two, or three.  
10 Before releasing the person, an official of the penal institution  
11 shall:

12 (1) inform the person that:

13 (A) not later than the later of the seventh day  
14 after the date on which the person is released or after the date on  
15 which the person moves from a previous residence to a new residence  
16 in this state or not later than the later of the first date the  
17 applicable local law enforcement authority by policy allows the  
18 person to register or verify registration, the person must [+

19 [~~i~~] register or verify registration with  
20 the local law enforcement authority in the municipality or county  
21 in which the person intends to reside;

22 (B) not later than the seventh day after the date  
23 on which the person is released or the date on which the person  
24 moves from a previous residence to a new residence in this state,  
25 the person must, [~~or~~

26 [~~ii~~] if the person has not moved to an  
27 intended residence, report to the juvenile probation officer,

1 community supervision and corrections department officer, or  
2 parole officer supervising the person;

3 (C) [~~(B)~~] not later than the seventh day before  
4 the date on which the person moves to a new residence in this state  
5 or another state, the person must report in person to the local law  
6 enforcement authority designated as the person's primary  
7 registration authority by the department and to the juvenile  
8 probation officer, community supervision and corrections  
9 department officer, or parole officer supervising the person;

10 (D) [~~(C)~~] not later than the 10th day after the  
11 date on which the person arrives in another state in which the  
12 person intends to reside, the person must register with the law  
13 enforcement agency that is identified by the department as the  
14 agency designated by that state to receive registration  
15 information, if the other state has a registration requirement for  
16 sex offenders;

17 (E) [~~(D)~~] not later than the 30th day after the  
18 date on which the person is released, the person must apply to the  
19 department in person for the issuance of an original or renewal  
20 driver's license or personal identification certificate and a  
21 failure to apply to the department as required by this paragraph  
22 results in the automatic revocation of any driver's license or  
23 personal identification certificate issued by the department to the  
24 person; and

25 (F) [~~(E)~~] the person must notify appropriate  
26 entities of any change in status as described by Article 62.057  
27 [~~62.05~~];

1           (2) require the person to sign a written statement  
2 that the person was informed of the person's duties as described by  
3 Subdivision (1) or Subsection (g) [~~(h)~~] or, if the person refuses to  
4 sign the statement, certify that the person was so informed;

5           (3) obtain the address where the person expects to  
6 reside on the person's release and other registration information,  
7 including a photograph and complete set of fingerprints; and

8           (4) complete the registration form for the person.

9           (b) On the seventh day before the date on which a person who  
10 will be subject to registration under this chapter is due to be  
11 released from a penal institution, or on receipt of notice by a  
12 penal institution that a person who will be subject to registration  
13 under this chapter is due to be released in less than seven days, an  
14 official of the penal institution shall send the person's completed  
15 registration form and numeric risk level to the department and to:

16           (1) the applicable local law enforcement authority in  
17 the municipality or county in which the person expects to reside, if  
18 the person expects to reside in this state; or

19           (2) the law enforcement agency that is identified by  
20 the department as the agency designated by another state to receive  
21 registration information, if the person expects to reside in that  
22 other state and that other state has a registration requirement for  
23 sex offenders.

24           (c) If a person who is subject to registration under this  
25 chapter receives an order deferring adjudication, placing the  
26 person on community supervision or juvenile probation [~~or community~~  
27 ~~supervision~~], or imposing only a fine, the court pronouncing the

1 order or sentence shall make a determination of the person's  
2 numeric risk level using the sex offender screening tool developed  
3 or selected under Article 62.007 [~~62.035~~], assign to the person a  
4 numeric risk level of one, two, or three, and ensure that the  
5 prerelease notification and registration requirements specified in  
6 this article are conducted on the day of entering the order or  
7 sentencing. If a community supervision and corrections department  
8 representative is available in court at the time a court pronounces  
9 a sentence of deferred adjudication or community supervision, the  
10 representative shall immediately obtain the person's numeric risk  
11 level from the court and conduct the prerelease notification and  
12 registration requirements specified in this article. In any other  
13 case in which the court pronounces a sentence under this  
14 subsection, the court shall designate another appropriate  
15 individual to obtain the person's numeric risk level from the court  
16 and conduct the prerelease notification and registration  
17 requirements specified in this article.

18 (d) If a person who has a reportable conviction described by  
19 Article 62.001(5)(I) [~~62.01(5)(J)~~] or (J) [~~(L)~~] is placed under the  
20 supervision of the pardons and paroles division of the Texas  
21 Department of Criminal Justice or a community supervision and  
22 corrections department under Article 42.11, the division or  
23 community supervision and corrections department shall conduct the  
24 prerelease notification and registration requirements specified in  
25 this article on the date the person is placed under the supervision  
26 of the division or community supervision and corrections  
27 department. If a person who has a reportable adjudication of

1 delinquent conduct described by Article 62.001(5)(I) [~~62.01(5)(K)~~]  
2 or (J) [~~(M)~~] is, as permitted by Section 60.002, Family Code, placed  
3 under the supervision of the Texas Youth Commission, a public or  
4 private vendor operating under contract with the Texas Youth  
5 Commission, a local juvenile probation department, or a juvenile  
6 secure pre-adjudication or post-adjudication facility, the  
7 commission, vendor, probation department, or facility shall  
8 conduct the prerelease notification and registration requirements  
9 specified in this article on the date the person is placed under the  
10 supervision of the commission, vendor, probation department, or  
11 facility.

12 (e) Not later than the eighth day after receiving a  
13 registration form under Subsection (b), (c), or (d), the local law  
14 enforcement authority shall verify the age of the victim, the basis  
15 on which the person is subject to registration under this chapter,  
16 and the person's numeric risk level. [~~The authority shall~~  
17 ~~immediately publish notice in English and Spanish in the newspaper~~  
18 ~~of greatest paid circulation in the county in which the person~~  
19 ~~subject to registration intends to reside or, if there is no~~  
20 ~~newspaper of paid circulation in that county, in the newspaper of~~  
21 ~~greatest general circulation in the county, except as provided by~~  
22 ~~Article 62.031. If the authority publishes notice under this~~  
23 ~~subsection, the authority shall publish a duplicate notice in the~~  
24 ~~newspaper, with any necessary corrections, during the week~~  
25 ~~immediately following the week of initial publication.] The local  
26 law enforcement authority shall [~~also~~] immediately provide notice  
27 to the superintendent of the public school district and to the~~

1 administrator of any private primary or secondary school located in  
2 the public school district in which the person subject to  
3 registration intends to reside by mail to the office of the  
4 superintendent or administrator, as appropriate, in accordance  
5 with Article 62.054 [~~62.032~~]. On receipt of a notice under this  
6 subsection, the superintendent shall release the information  
7 contained in the notice to appropriate school district personnel,  
8 including peace officers and security personnel, principals,  
9 nurses, and counselors.

10 (f) [~~The local law enforcement authority shall include in~~  
11 ~~the notice by publication in a newspaper the following information~~  
12 ~~only:~~

13 [~~(1) the person's full name, age, and gender;~~

14 [~~(2) a brief description of the offense for which the~~  
15 ~~person is subject to registration;~~

16 [~~(3) the municipality, numeric street address or~~  
17 ~~physical address, if a numeric street address is not available, and~~  
18 ~~zip code number where the person intends to reside;~~

19 [~~(4) either a recent photograph of the person or the~~  
20 ~~Internet address of a website on which the person's photograph is~~  
21 ~~accessible free of charge; and~~

22 [~~(5) the person's numeric risk level assigned under~~  
23 ~~this chapter and the guidelines used to determine a person's risk~~  
24 ~~level generally.~~

25 [(g)] The local law enforcement authority shall include in  
26 the notice to the superintendent of the public school district and  
27 to the administrator of any private primary or secondary school

1 located in the public school district any information the authority  
2 determines is necessary to protect the public, except:

3 (1) the person's social security number, driver's  
4 license number, or telephone number; and

5 (2) any information that would identify the victim of  
6 the offense for which the person is subject to registration.

7 (g) [~~(h)~~] Before a person who will be subject to  
8 registration under this chapter is due to be released from a penal  
9 institution in this state, an official of the penal institution  
10 shall inform the person that:

11 (1) if the person intends to reside in another state  
12 and to work or attend school in this state, the person must, not  
13 later than the later of the seventh day after the date on which the  
14 person begins to work or attend school or the first date the  
15 applicable local law enforcement authority by policy allows the  
16 person to register or verify registration, register or verify  
17 registration with the local law enforcement authority in the  
18 municipality or county in which the person intends to work or attend  
19 school;

20 (2) if the person intends to reside in this state and  
21 to work or attend school in another state and if the other state has  
22 a registration requirement for sex offenders, the person must:

23 (A) not later than the 10th day after the date on  
24 which the person begins to work or attend school in the other state,  
25 register with the law enforcement authority that is identified by  
26 the department as the authority designated by that state to receive  
27 registration information; and

1 (B) if the person intends to be employed, carry  
2 on a vocation, or be a student at a public or private institution of  
3 higher education in the other state and if an authority for campus  
4 security exists at the institution, register with that authority  
5 not later than the 10th day after the date on which the person  
6 begins to work or attend school; and

7 (3) regardless of the state in which the person  
8 intends to reside, if the person intends to be employed, carry on a  
9 vocation, or be a student at a public or private institution of  
10 higher education in this state, the person must:

11 (A) not later than the later of the seventh day  
12 after the date on which the person begins to work or attend school  
13 or the first date the applicable authority by policy allows the  
14 person to register, register with:

15 (i) the authority for campus security for  
16 that institution; or

17 (ii) except as provided by Article  
18 62.153(e) [~~62.064(e)~~], if an authority for campus security for that  
19 institution does not exist, the local law enforcement authority of:

20 (a) the municipality in which the  
21 institution is located; or

22 (b) the county in which the  
23 institution is located, if the institution is not located in a  
24 municipality; and

25 (B) not later than the seventh day after the date  
26 the person stops working or attending school, notify the  
27 appropriate authority for campus security or local law enforcement

1 authority of the termination of the person's status as a worker or  
2 student.

3 ~~[(i) If a person who is subject to the newspaper publication~~  
4 ~~requirements of Subsection (c) is not under community supervision,~~  
5 ~~parole, or mandatory supervision, the local law enforcement~~  
6 ~~authority obtaining publication of notice regarding the person as~~  
7 ~~required by that subsection shall collect from the person an amount~~  
8 ~~equal to the cost incurred by the authority in obtaining the~~  
9 ~~publication. The cost of the publication of notice must be~~  
10 ~~established by written receipt.~~

11 ~~[Art. 62.031. LIMITATIONS ON NEWSPAPER PUBLICATION. (a) A~~  
12 ~~local law enforcement authority may not publish notice in a~~  
13 ~~newspaper under Article 62.03(c) or 62.04(f) if the basis on which~~  
14 ~~the person is subject to registration is:~~

15 ~~[(1) an adjudication of delinquent conduct, or~~

16 ~~[(2) a conviction or a deferred adjudication for an~~  
17 ~~offense under Section 25.02, Penal Code, or an offense under the~~  
18 ~~laws of another state, federal law, or the Uniform Code of Military~~  
19 ~~Justice that contains elements substantially similar to the~~  
20 ~~elements of an offense under Section 25.02, Penal Code, if the~~  
21 ~~victim was at the time of the offense a child younger than 17 years~~  
22 ~~of age.~~

23 ~~[(b) In addition to the prohibition on publication~~  
24 ~~established under Subsection (a), a local law enforcement~~  
25 ~~authority may not publish notice in a newspaper under Article~~  
26 ~~62.04(f) if the person subject to registration is assigned a~~  
27 ~~numeric risk level of one.]~~

1           Art. 62.054 [~~62.032~~]. CIRCUMSTANCES REQUIRING NOTICE TO  
2 SUPERINTENDENT OR SCHOOL ADMINISTRATOR. (a) A local law  
3 enforcement authority shall provide notice to the superintendent  
4 and each administrator under Article 62.053(e) [~~62.03(e)~~] or  
5 62.055(f) [~~62.04(f)~~] only if:

6           (1) the victim was at the time of the offense a child  
7 younger than 17 years of age or a student enrolled in a public or  
8 private secondary school;

9           (2) the person subject to registration is a student  
10 enrolled in a public or private secondary school; or

11           (3) the basis on which the person is subject to  
12 registration is a conviction, a deferred adjudication, or an  
13 adjudication of delinquent conduct for an offense under Section  
14 43.25 or 43.26, Penal Code, or an offense under the laws of another  
15 state, federal law, or the Uniform Code of Military Justice that  
16 contains elements substantially similar to the elements of an  
17 offense under either of those sections.

18           (b) A local law enforcement authority may not provide notice  
19 to the superintendent or any administrator under Article 62.053(e)  
20 [~~62.03(e)~~] or 62.055(f) [~~62.04(f)~~] if the basis on which the person  
21 is subject to registration is a conviction, a deferred  
22 adjudication, or an adjudication of delinquent conduct for an  
23 offense under Section 25.02, Penal Code, or an offense under the  
24 laws of another state, federal law, or the Uniform Code of Military  
25 Justice that contains elements substantially similar to the  
26 elements of an offense under that section.

27           [~~Art. 62.035. RISK ASSESSMENT REVIEW COMMITTEE; SEX~~

1 ~~OFFENDER SCREENING TOOL. (a) The Texas Department of Criminal~~  
2 ~~Justice shall establish a risk assessment review committee composed~~  
3 ~~of at least five members, each of whom is a state employee whose~~  
4 ~~service on the review committee is in addition to the employee's~~  
5 ~~regular duties. The review committee, to the extent feasible,~~  
6 ~~should include at least:~~

7 ~~[(1) one member having experience in law enforcement,~~

8 ~~[(2) one member having experience working with~~  
9 ~~juvenile sex offenders;~~

10 ~~[(3) one member having experience as a sex offender~~  
11 ~~treatment provider; and~~

12 ~~[(4) one member having experience working with victims~~  
13 ~~of sex offenses.~~

14 ~~[(b) The risk assessment review committee functions in an~~  
15 ~~oversight capacity. The committee shall:~~

16 ~~[(1) develop or select from among existing tools a sex~~  
17 ~~offender screening tool to be used in determining the level of risk~~  
18 ~~of a person subject to registration under this chapter;~~

19 ~~[(2) ensure that staff are trained on the use of the~~  
20 ~~screening tool;~~

21 ~~[(3) monitor the use of the screening tool in the~~  
22 ~~state; and~~

23 ~~[(4) analyze other screening tools as they become~~  
24 ~~available and revise or replace the existing screening tool if~~  
25 ~~warranted.~~

26 ~~[(c) The sex offender screening tool must use an objective~~  
27 ~~point system under which a person is assigned a designated number of~~

1 ~~points for each of various factors. In developing or selecting the~~  
2 ~~sex offender screening tool, the risk assessment review committee~~  
3 ~~shall use or shall select a screening tool that may be adapted to~~  
4 ~~use the following general guidelines:~~

5 ~~[(1) level one (low): a designated range of points on~~  
6 ~~the sex offender screening tool indicating that the person poses a~~  
7 ~~low danger to the community and will not likely engage in criminal~~  
8 ~~sexual conduct;~~

9 ~~[(2) level two (moderate): a designated range of~~  
10 ~~points on the sex offender screening tool indicating that the~~  
11 ~~person poses a moderate danger to the community and may continue to~~  
12 ~~engage in criminal sexual conduct; and~~

13 ~~[(3) level three (high): a designated range of points~~  
14 ~~on the sex offender screening tool indicating that the person poses~~  
15 ~~a serious danger to the community and will continue to engage in~~  
16 ~~criminal sexual conduct.~~

17 ~~[(d) The risk assessment review committee, the Texas~~  
18 ~~Department of Criminal Justice, the Texas Youth Commission, or a~~  
19 ~~court may override a risk level only if the entity:~~

20 ~~[(1) believes that the risk level assessed is not an~~  
21 ~~accurate prediction of the risk the offender poses to the~~  
22 ~~community; and~~

23 ~~[(2) documents the reason for the override in the~~  
24 ~~offender's case file.~~

25 ~~[(e) Notwithstanding Chapter 58, Family Code, records and~~  
26 ~~files, including records that have been sealed under Section 58.003~~  
27 ~~of that code, relating to a person for whom a court, the Texas~~

1 ~~Department of Criminal Justice, or the Texas Youth Commission is~~  
2 ~~required under this article to determine a level of risk shall be~~  
3 ~~released to the court, department, or commission, as appropriate,~~  
4 ~~for the purpose of determining the person's risk level.~~

5 ~~[(f) Chapter 551, Government Code, does not apply to a~~  
6 ~~meeting of the risk assessment review committee.]~~

7 Art. 62.055 [~~62.04~~]. CHANGE OF ADDRESS. (a) If a person  
8 required to register under this chapter intends to change address,  
9 regardless of whether the person intends to move to another state,  
10 the person shall, not later than the seventh day before the intended  
11 change, report in person to the local law enforcement authority  
12 designated as the person's primary registration authority by the  
13 department and to the juvenile probation officer, community  
14 supervision and corrections department officer, or parole officer  
15 supervising the person and provide the authority and the officer  
16 with the person's anticipated move date and new address. If a  
17 person required to register changes address, the person shall, not  
18 later than the later of the seventh day after changing the address  
19 or the first date the applicable local law enforcement authority by  
20 policy allows the person to report, report in person to the local  
21 law enforcement authority in the municipality or county in which  
22 the person's new residence is located and provide the authority  
23 with proof of identity and proof of residence.

24 (b) Not later than the third day after receipt of notice  
25 under Subsection (a), the person's juvenile probation officer,  
26 community supervision and corrections department officer, or  
27 parole officer shall forward the information provided under

1 Subsection (a) to the local law enforcement authority designated as  
2 the person's primary registration authority by the department and,  
3 if the person intends to move to another municipality or county in  
4 this state, to the applicable local law enforcement authority in  
5 that municipality or county.

6 (c) If the person moves to another state that has a  
7 registration requirement for sex offenders, the person shall, not  
8 later than the 10th day after the date on which the person arrives  
9 in the other state, register with the law enforcement agency that is  
10 identified by the department as the agency designated by that state  
11 to receive registration information.

12 (d) Not later than the third day after receipt of  
13 information under Subsection (a) or (b), whichever is earlier, the  
14 local law enforcement authority shall forward this information to  
15 the department and, if the person intends to move to another  
16 municipality or county in this state, to the applicable local law  
17 enforcement authority in that municipality or county.

18 (e) If a person who reports to a local law enforcement  
19 authority under Subsection (a) does not move on or before the  
20 anticipated move date or does not move to the new address provided  
21 to the authority, the person shall:

22 (1) not later than the seventh day after the  
23 anticipated move date, and not less than weekly after that seventh  
24 day, report to the local law enforcement authority designated as  
25 the person's primary registration authority by the department and  
26 provide an explanation to the authority regarding any changes in  
27 the anticipated move date and intended residence; and

1           (2) report to the juvenile probation officer,  
2 community supervision and corrections department officer, or  
3 parole officer supervising the person not less than weekly during  
4 any period in which the person has not moved to an intended  
5 residence.

6           (f) If the person moves to another municipality or county in  
7 this state, the department shall inform the applicable local law  
8 enforcement authority in the new area of the person's residence not  
9 later than the third day after the date on which the department  
10 receives information under Subsection (a). Not later than the  
11 eighth day after the date on which the local law enforcement  
12 authority is informed under Subsection (a) or under this  
13 subsection, the authority shall verify the age of the victim, the  
14 basis on which the person is subject to registration under this  
15 chapter, and the person's numeric risk level. ~~[The authority shall  
16 immediately publish notice in English and Spanish in the newspaper  
17 of greatest paid circulation in the county in which the person  
18 subject to registration intends to reside or, if there is no  
19 newspaper of paid circulation in that county, in the newspaper of  
20 greatest general circulation in the county, except as provided by  
21 Article 62.031. If the authority publishes notice under this  
22 subsection, the authority shall publish a duplicate notice in the  
23 newspaper, with any necessary corrections, during the week  
24 immediately following the week of initial publication.]~~ The local  
25 law enforcement authority shall ~~[also]~~ immediately provide notice  
26 to the superintendent of the public school district and to the  
27 administrator of any private primary or secondary school located in

1 the public school district in which the person subject to  
2 registration intends to reside by mail to the office of the  
3 superintendent or administrator, as appropriate, in accordance  
4 with Article 62.054 [~~62.032~~]. On receipt of a notice under this  
5 subsection, the superintendent shall release the information  
6 contained in the notice to appropriate school district personnel,  
7 including peace officers and security personnel, principals,  
8 nurses, and counselors.

9 (g) [~~The local law enforcement authority shall include in~~  
10 ~~the notice by publication in a newspaper the following information~~  
11 ~~only:~~

12 [~~(1) the person's full name, age, and gender;~~

13 [~~(2) a brief description of the offense for which the~~  
14 ~~person is subject to registration;~~

15 [~~(3) the municipality, numeric street address or~~  
16 ~~physical address, if a numeric street address is not available, and~~  
17 ~~zip code number where the person intends to reside;~~

18 [~~(4) either a recent photograph of the person or the~~  
19 ~~Internet address of a website on which the person's photograph is~~  
20 ~~accessible free of charge; and~~

21 [~~(5) the person's numeric risk level assigned under~~  
22 ~~this chapter and the guidelines used to determine a person's risk~~  
23 ~~level generally.~~

24 [(h)] The local law enforcement authority shall include in  
25 the notice to the superintendent of the public school district and  
26 the administrator of any private primary or secondary school  
27 located in the public school district any information the authority

1 determines is necessary to protect the public, except:

2 (1) the person's social security number, driver's  
3 license number, or telephone number; and

4 (2) any information that would identify the victim of  
5 the offense for which the person is subject to registration.

6 (h) [~~(i)~~] If the person moves to another state, the  
7 department shall, immediately on receiving information under  
8 Subsection (d):

9 (1) inform the [~~law enforcement~~] agency that is  
10 designated by the other state to receive registration information,  
11 if that state has a registration requirement for sex offenders; and

12 (2) send to the Federal Bureau of Investigation a copy  
13 of the person's registration form, including the record of  
14 conviction and a complete set of fingerprints.

15 ~~[(j) If a person who is subject to the newspaper publication~~  
16 ~~requirements of Subsection (f) is not under community supervision,~~  
17 ~~parole, or mandatory supervision, the local law enforcement~~  
18 ~~authority obtaining publication of notice regarding the person as~~  
19 ~~required by that subsection shall collect from the person an amount~~  
20 ~~equal to the cost incurred by the authority in obtaining the~~  
21 ~~publication. The cost of the publication of notice must be~~  
22 ~~established by written receipt.~~

23 ~~[Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT~~  
24 ~~COSTS OF CERTAIN NOTICE. (a) In this article, "utility service"~~  
25 ~~means water, wastewater, sewer, gas, garbage, electricity, or~~  
26 ~~drainage service.~~

27 ~~[(b) A political subdivision served by a local law~~

1 ~~enforcement authority obtaining publication of notice under~~  
2 ~~Article 62.03 or 62.04 may bill any unpaid amount under that~~  
3 ~~article, identified separately, within a bill for a utility service~~  
4 ~~provided by the political subdivision to the person who is the~~  
5 ~~subject of the notice, and may suspend service of the utility to a~~  
6 ~~person who is delinquent in payment of the amount until the~~  
7 ~~delinquent claim is fully paid to the political subdivision.~~

8 ~~[(c) The political subdivision shall remit an amount~~  
9 ~~collected under this article to the local law enforcement~~  
10 ~~authority.]~~

11 Art. 62.056 [~~62.045~~]. ADDITIONAL PUBLIC NOTICE FOR CERTAIN  
12 OFFENDERS. (a) On receipt of notice under this chapter that a  
13 person subject to registration is due to be released from a penal  
14 institution, has been placed on community supervision or juvenile  
15 probation, or intends to move to a new residence in this state, the  
16 department shall verify the person's numeric risk level assigned  
17 under this chapter. If the person is assigned a numeric risk level  
18 of three, the department shall, not later than the seventh day after  
19 the date on which the person is released or the 10th day after the  
20 date on which the person moves, provide written notice mailed or  
21 delivered to at least each [~~residential~~] address, other than a post  
22 office box, within a one-mile radius, in an area that has not been  
23 subdivided, or a three-block area, in an area that has been  
24 subdivided, of the place where the person intends to reside. In  
25 providing written notice under this subsection, the department  
26 shall use employees of the department whose duties in providing the  
27 notice are in addition to the employees' regular duties.

1 (b) The department shall provide the notice in English and  
2 Spanish and shall include in the notice any information that is  
3 public information under this chapter. The department may not  
4 include any information that is not public information under this  
5 chapter.

6 (c) The department shall establish procedures for a person  
7 with respect to whom notice is provided under Subsection (a), other  
8 than a person subject to registration on the basis of an  
9 adjudication of delinquent conduct, to pay to the department all  
10 costs incurred by the department in providing the notice. The  
11 person shall pay those costs in accordance with the procedures  
12 established under this subsection.

13 (d) On receipt of notice under this chapter that a person  
14 subject to registration under this chapter is required to register  
15 or verify registration with a local law enforcement authority and  
16 has been assigned a numeric risk level of three, the local law  
17 enforcement authority may provide notice to the public in any  
18 manner determined appropriate by the local law enforcement  
19 authority, including publishing notice in a newspaper or other  
20 periodical or circular in circulation in the area where the person  
21 intends to reside, holding a neighborhood meeting, posting notices  
22 in the area where the person intends to reside, distributing  
23 printed notices to area residents, or establishing a specialized  
24 local website. The local law enforcement authority may include in  
25 the notice only ~~any~~ information that is public information under  
26 this chapter.

27 (e) An owner, builder, seller, or lessor of a single-family

1 residential real property or any improvement to residential real  
2 property or that person's broker, salesperson, or other agent or  
3 representative in a residential real estate transaction does not  
4 have a duty to make a disclosure to a prospective buyer or lessee  
5 about registrants under this chapter. To the extent of any conflict  
6 between this subsection and another law imposing a duty to disclose  
7 information about registered sex offenders, this subsection  
8 controls.

9 ~~[Art. 62.0451. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS~~  
10 ~~SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this~~  
11 ~~chapter that a person subject to registration who is civilly~~  
12 ~~committed as a sexually violent predator is due to be released from~~  
13 ~~a penal institution or intends to move to a new residence in this~~  
14 ~~state, the department shall, not later than the seventh day after~~  
15 ~~the date on which the person is released or the 10th day after the~~  
16 ~~date on which the person moves, provide written notice mailed or~~  
17 ~~delivered to at least each residential address within a one-mile~~  
18 ~~radius, in an area that has not been subdivided, or a three-block~~  
19 ~~area, in an area that has been subdivided, of the place where the~~  
20 ~~person intends to reside.~~

21 ~~[(b) The department shall provide the notice in English and~~  
22 ~~Spanish and shall include in the notice any information that is~~  
23 ~~public information under this chapter. The department may not~~  
24 ~~include any information that is not public information under this~~  
25 ~~chapter.~~

26 ~~[(c) The department shall establish procedures for a person~~  
27 ~~with respect to whom notice is provided under this article to pay to~~

1 ~~the department all costs incurred by the department in providing~~  
2 ~~the notice. The person shall pay those costs in accordance with the~~  
3 ~~procedures established under this subsection.~~

4 ~~[(d) The department's duty to provide notice under this~~  
5 ~~article in regard to a particular person ends on the date on which a~~  
6 ~~court releases the person from all requirements of the civil~~  
7 ~~commitment process.]~~

8 Art. 62.057 [~~62.05~~]. STATUS REPORT BY SUPERVISING OFFICER  
9 OR LOCAL LAW ENFORCEMENT AUTHORITY [~~AGENCY~~]. (a) If the juvenile  
10 probation officer, community supervision and corrections  
11 department officer, or parole officer supervising a person subject  
12 to registration under this chapter receives information to the  
13 effect that the person's status has changed in any manner that  
14 affects proper supervision of the person, including a change in the  
15 person's name, physical health, job or educational status,  
16 including higher educational status, incarceration, or terms of  
17 release, the supervising officer shall promptly notify the  
18 appropriate local law enforcement authority or authorities of that  
19 change. If the person required to register intends to change  
20 address, the supervising officer shall notify the local law  
21 enforcement authorities designated by Article 62.055(b)  
22 [~~62.04(b)~~]. Not later than the seventh day after the date the  
23 supervising officer receives the relevant information, the  
24 supervising officer shall notify the local law enforcement  
25 authority of any change in the person's job or educational status in  
26 which the person:

- 27 (1) becomes employed, begins to carry on a vocation,

1 or becomes a student at a particular public or private institution  
2 of higher education; or

3 (2) terminates the person's status in that capacity.

4 (b) Not later than the seventh day after the date of the  
5 change, a person subject to registration under this chapter shall  
6 report to the local law enforcement authority designated as the  
7 person's primary registration authority by the department any  
8 change in the person's name, physical health, or ~~[in the person's]~~  
9 job or educational status, including higher educational status.

10 (c) For purposes of Subsection (b):

11 (1) ~~[this subsection,]~~ a person's job status changes  
12 if the person leaves employment for any reason, remains employed by  
13 an employer but changes the location at which the person works, or  
14 begins employment with a new employer;

15 (2) ~~[For purposes of this subsection,]~~ a person's  
16 health status changes if the person is hospitalized as a result of  
17 an illness;

18 (3) ~~[For purposes of this subsection,]~~ a change in a  
19 person's educational status includes the person's transfer from one  
20 educational facility to another; and

21 (4) regarding ~~[Regarding]~~ a change of name, ~~[the]~~  
22 notice of the ~~[a]~~ proposed name ~~[change]~~ provided to a local law  
23 enforcement authority as described by Sections 45.004 and 45.103,  
24 Family Code, is sufficient ~~[for purposes of this subsection],~~  
25 except that the person shall promptly notify the authority of any  
26 denial of the person's petition for a change of name.

27 (d) Not later than the seventh day after the date the local

1 law enforcement authority receives the relevant information, the  
2 local law enforcement authority shall notify the department of any  
3 change in the person's job or educational status in which the  
4 person:

5 (1) becomes employed, begins to carry on a vocation,  
6 or becomes a student at a particular public or private institution  
7 of higher education; or

8 (2) terminates the person's status in that capacity.

9 Art. 62.058 [~~62.06~~]. LAW ENFORCEMENT VERIFICATION OF  
10 REGISTRATION INFORMATION. (a) A person subject to registration  
11 under this chapter who has for a sexually violent offense been  
12 convicted two or more times, received an order of deferred  
13 adjudication two or more times, or been convicted and received an  
14 order of deferred adjudication shall report to the local law  
15 enforcement authority designated as the person's primary  
16 registration authority by the department not less than once in each  
17 90-day period following the date the person first registered under  
18 this chapter to verify the information in the registration form  
19 maintained by the authority for that person. A person subject to  
20 registration under this chapter who is not subject to the 90-day  
21 reporting requirement described by this subsection shall report to  
22 the local law enforcement authority designated as the person's  
23 primary registration authority by the department once each year not  
24 earlier than the 30th day before and not later than the 30th day  
25 after the anniversary of the person's date of birth to verify the  
26 information in the registration form maintained by the authority  
27 for that person. For purposes of this subsection, a person complies

1 with a requirement that the person register within a 90-day period  
2 following a date if the person registers at any time on or after the  
3 83rd day following that date but before the 98th day after that  
4 date.

5 (b) A local law enforcement authority designated as a  
6 person's primary registration authority by the department may  
7 direct the person to report to the authority to verify the  
8 information in the registration form maintained by the authority  
9 for that person. The authority may direct the person to report  
10 under this subsection once in each 90-day period following the date  
11 the person first registered under this chapter, if the person is  
12 required to report not less than once in each 90-day period under  
13 Subsection (a) or once in each year not earlier than the 30th day  
14 before and not later than the 30th day after the anniversary of the  
15 person's date of birth, if the person is required to report once  
16 each year under Subsection (a). A local law enforcement authority  
17 may not direct a person to report to the authority under this  
18 subsection if the person is required to report under Subsection (a)  
19 and is in compliance with the reporting requirements of that  
20 subsection.

21 (c) A local law enforcement authority with whom a person  
22 reports under this article shall require the person to produce  
23 proof of the person's identity and residence before the authority  
24 gives the registration form to the person for verification. If the  
25 information in the registration form is complete and accurate, the  
26 person shall verify registration by signing the form. If the  
27 information is not complete or not accurate, the person shall make

1 any necessary additions or corrections before signing the form.

2 (d) A local law enforcement authority designated as a  
3 person's primary registration authority by the department may at  
4 any time mail a nonforwardable verification form to the last  
5 reported address of the person. Not later than the 21st day after  
6 receipt of a verification form under this subsection, the person  
7 shall:

8 (1) indicate on the form whether the person still  
9 resides at the last reported address and, if not, provide on the  
10 form the person's new address;

11 (2) complete any other information required by the  
12 form;

13 (3) sign the form; and

14 (4) return the form to the authority.

15 (e) For purposes of this article, a person receives multiple  
16 convictions or orders of deferred adjudication regardless of  
17 whether:

18 (1) the judgments or orders are entered on different  
19 dates; or

20 (2) the offenses for which the person was convicted or  
21 placed on deferred adjudication arose out of different criminal  
22 transactions.

23 ~~[Art. 62.061. VERIFICATION OF INDIVIDUALS SUBJECT TO~~  
24 ~~COMMITMENT. (a) Notwithstanding Article 62.06, if an individual~~  
25 ~~subject to registration under this chapter is civilly committed as~~  
26 ~~a sexually violent predator, the person shall report to the local~~  
27 ~~law enforcement authority designated as the person's primary~~

1 ~~registration authority by the department not less than once in each~~  
2 ~~30-day period following the date the person first registered under~~  
3 ~~this chapter to verify the information in the registration form~~  
4 ~~maintained by the authority for that person. For purposes of this~~  
5 ~~subsection, a person complies with a requirement that the person~~  
6 ~~register within a 30-day period following a date if the person~~  
7 ~~registers at any time on or after the 27th day following that date~~  
8 ~~but before the 33rd day after that date.~~

9 ~~[(b) On the date that a court releases a person described by~~  
10 ~~Subsection (a) from all requirements of the civil commitment~~  
11 ~~process.]~~

12 ~~[(1) the person's duty to verify registration as a sex~~  
13 ~~offender is no longer imposed by this article; and~~

14 ~~[(2) the person is required to verify registration as~~  
15 ~~provided by Article 62.06.]~~

16 Art. 62.059 [~~62.062~~]. REGISTRATION OF PERSONS REGULARLY  
17 VISITING LOCATION. (a) A person subject to this chapter who on at  
18 least three occasions during any month spends more than 48  
19 consecutive hours in a municipality or county in this state, other  
20 than the municipality or county in which the person is registered  
21 under this chapter, before the last day of that month shall report  
22 that fact to:

23 (1) the local law enforcement authority of the  
24 municipality in which the person is a visitor; or

25 (2) if the person is a visitor in a location that is  
26 not a municipality, the local law enforcement authority of the  
27 county in which the person is a visitor.

1 (b) A person described by Subsection (a) shall provide the  
2 local law enforcement authority with:

3 (1) all information the person is required to provide  
4 under Article 62.051(c) [~~62.02(b)~~];

5 (2) the address of any location in the municipality or  
6 county, as appropriate, at which the person was lodged during the  
7 month; and

8 (3) a statement as to whether the person intends to  
9 return to the municipality or county during the succeeding month.

10 (c) This article does not impose on a local law enforcement  
11 authority requirements of public notification or notification to  
12 schools relating to a person about whom the authority is not  
13 otherwise required by this chapter to make notifications.

14 [~~Art. 62.063. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.~~

15 ~~(a) A person is subject to this article and, except as otherwise~~  
16 ~~provided by this article, to the other articles of this chapter if~~  
17 ~~the person:~~

18 [~~(1) has a reportable conviction or adjudication,~~

19 [~~(2) resides in another state, and~~

20 [~~(3) is employed, carries on a vocation, or is a~~  
21 ~~student in this state.~~

22 [~~(b) A person described by Subsection (a) is subject to the~~  
23 ~~registration and verification requirements of Articles 62.02 and~~  
24 ~~62.06 and to the change of address requirements of Article 62.04,~~  
25 ~~except that the registration and verification and the reporting of~~  
26 ~~a change of address are based on the municipality or county in which~~  
27 ~~the person works or attends school. The person is subject to the~~

1 ~~school notification requirements of Articles 62.03 and 62.04,~~  
2 ~~except that notice provided to the superintendent and any~~  
3 ~~administrator is based on the public school district in which the~~  
4 ~~person works or attends school.~~

5 ~~[(c) A person described by Subsection (a) is not subject to~~  
6 ~~Article 62.12 and the newspaper publication requirements of~~  
7 ~~Articles 62.03 and 62.04.~~

8 ~~[(d) The duty to register for a person described by~~  
9 ~~Subsection (a) ends when the person no longer works or studies in~~  
10 ~~this state, provides notice of that fact to the local law~~  
11 ~~enforcement authority in the municipality or county in which the~~  
12 ~~person works or attends school, and receives notice of verification~~  
13 ~~of that fact from the authority. The authority must verify that the~~  
14 ~~person no longer works or studies in this state and must provide to~~  
15 ~~the person notice of that verification within a reasonable time.~~

16 ~~[(e) Notwithstanding Subsection (a), this article does not~~  
17 ~~apply to a person who has a reportable conviction or adjudication,~~  
18 ~~who resides in another state, and who is employed, carries on a~~  
19 ~~vocation, or is a student in this state if the person establishes~~  
20 ~~another residence in this state to work or attend school in this~~  
21 ~~state. However, that person remains subject to the other articles~~  
22 ~~of this chapter based on that person's residence in this state.~~

23 ~~[Art. 62.064. REGISTRATION OF WORKERS OR STUDENTS AT~~  
24 ~~INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh~~  
25 ~~day after the date on which the person begins to work or attend~~  
26 ~~school, a person required to register under Article 62.061, as~~  
27 ~~added by Chapters 1193 and 1415, Acts of the 76th Legislature,~~

1 ~~Regular Session, 1999, or any other provision of this chapter who is~~  
2 ~~employed, carries on a vocation, or is a student at a public or~~  
3 ~~private institution of higher education in this state shall report~~  
4 ~~that fact to:~~

5 ~~[(1) the authority for campus security for that~~  
6 ~~institution; or~~

7 ~~[(2) if an authority for campus security for that~~  
8 ~~institution does not exist, the local law enforcement authority of:~~

9 ~~[(A) the municipality in which the institution is~~  
10 ~~located; or~~

11 ~~[(B) the county in which the institution is~~  
12 ~~located, if the institution is not located in a municipality.~~

13 ~~[(b) A person described by Subsection (a) shall provide the~~  
14 ~~authority for campus security or the local law enforcement~~  
15 ~~authority with all information the person is required to provide~~  
16 ~~under Article 62.02(b).~~

17 ~~[(c) A person described by Subsection (a) shall notify the~~  
18 ~~authority for campus security or the local law enforcement~~  
19 ~~authority not later than the seventh day after the date of~~  
20 ~~termination of the person's status as a worker or student at the~~  
21 ~~institution.~~

22 ~~[(d) The authority for campus security or the local law~~  
23 ~~enforcement authority shall promptly forward to the administrative~~  
24 ~~office of the institution any information received from the person~~  
25 ~~under this article and any information received from the department~~  
26 ~~under Article 62.08.~~

27 ~~[(e) Subsection (a)(2) does not require a person to register~~

1 ~~at a local law enforcement authority if the person is otherwise~~  
2 ~~required by this chapter to register at that authority.~~

3 ~~[(f) This article does not impose the requirements of public~~  
4 ~~notification or notification to public or private primary or~~  
5 ~~secondary schools on:~~

6 ~~(1) an authority for campus security; or~~

7 ~~(2) a local law enforcement authority, if those~~  
8 ~~requirements relate to a person about whom the authority is not~~  
9 ~~otherwise required by this chapter to make notifications.~~

10 ~~[(g) Notwithstanding Article 62.062, the requirements of~~  
11 ~~this article supersede those of Article 62.062 for a person~~  
12 ~~required to register under both this article and Article 62.062.]~~

13 Art. 62.060 [~~62.065~~]. REQUIREMENTS RELATING TO DRIVER'S  
14 LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) A person  
15 subject to registration under this chapter shall apply to the  
16 department in person for the issuance of, as applicable, an  
17 original or renewal driver's license under Section 521.272,  
18 Transportation Code, an original or renewal personal  
19 identification certificate under Section 521.103, Transportation  
20 Code, or an original or renewal commercial driver's license or  
21 commercial driver learner's permit under Section 522.033,  
22 Transportation Code, not later than the 30th day after the date:

23 (1) the person is released from a penal institution or  
24 is released by a court on community supervision or juvenile  
25 probation [~~or community supervision~~]; or

26 (2) the department sends written notice to the person  
27 of the requirements of this article.

1 (b) The person shall annually renew in person each driver's  
2 license or personal identification certificate issued by the  
3 department to the person, including each renewal, duplicate, or  
4 corrected license or certificate, until the person's duty to  
5 register under this chapter expires.

6 Art. 62.061. DNA SPECIMEN. A person required to register  
7 under this chapter shall comply with a request for a DNA specimen  
8 made by a law enforcement agency under Section 411.1473, Government  
9 Code.

10 SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL

11 PENALTIES FOR NONCOMPLIANCE

12 Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except as  
13 provided by Subsection (b) and Subchapter I, the duty to register  
14 for a person ends when the person dies if the person has a  
15 reportable conviction or adjudication, other than an adjudication  
16 of delinquent conduct, for:

17 (1) a sexually violent offense;

18 (2) an offense under Section 25.02, 43.05(a)(2), or  
19 43.26, Penal Code;

20 (3) an offense under Section 21.11(a)(2), Penal Code,  
21 if before or after the person is convicted or adjudicated for the  
22 offense under Section 21.11(a)(2), Penal Code, the person receives  
23 or has received another reportable conviction or adjudication,  
24 other than an adjudication of delinquent conduct, for an offense or  
25 conduct that requires registration under this chapter; or

26 (4) an offense under Section 20.02, 20.03, or 20.04,  
27 Penal Code, if:

1           (A) the judgment in the case contains an  
2 affirmative finding under Article 42.015 or, for a deferred  
3 adjudication, the papers in the case contain an affirmative finding  
4 that the victim or intended victim was younger than 17 years of age;  
5 and

6           (B) before or after the person is convicted or  
7 adjudicated for the offense under Section 20.02, 20.03, or 20.04,  
8 Penal Code, the person receives or has received another reportable  
9 conviction or adjudication, other than an adjudication of  
10 delinquent conduct, for an offense or conduct that requires  
11 registration under this chapter.

12           (b) Except as provided by Subchapter I, the duty to register  
13 for a person otherwise subject to Subsection (a) ends on the 10th  
14 anniversary of the date on which the person is released from a penal  
15 institution or discharges community supervision or the court  
16 dismisses the criminal proceedings against the person and  
17 discharges the person, whichever date is later, if the person's  
18 duty to register is based on a conviction or an order of deferred  
19 adjudication in a cause that was transferred to a district court or  
20 criminal district court under Section 54.02, Family Code.

21           (c) Except as provided by Subchapter I, the duty to register  
22 for a person with a reportable conviction or adjudication for an  
23 offense other than an offense described by Subsection (a) ends:

24           (1) if the person's duty to register is based on an  
25 adjudication of delinquent conduct, on the 10th anniversary of the  
26 date on which the disposition is made or the person completes the  
27 terms of the disposition, whichever date is later; or

1           (2) if the person's duty to register is based on a  
2 conviction or on an order of deferred adjudication, on the 10th  
3 anniversary of the date on which the court dismisses the criminal  
4 proceedings against the person and discharges the person, the  
5 person is released from a penal institution, or the person  
6 discharges community supervision, whichever date is later.

7           ~~[Art. 62.07. REMEDIES RELATED TO PUBLIC NOTICE. A person~~  
8 ~~subject to registration under this chapter may petition the~~  
9 ~~district court for injunctive relief to restrain a local law~~  
10 ~~enforcement authority from publishing notice in a newspaper as~~  
11 ~~required by Article 62.03 or 62.04. The court may issue a temporary~~  
12 ~~restraining order under this article before notice is served and a~~  
13 ~~hearing is held on the matter. After a hearing on the matter, the~~  
14 ~~court may grant any injunctive relief warranted by the facts,~~  
15 ~~including a restraining order or a temporary or permanent~~  
16 ~~injunction, if the person subject to registration under this~~  
17 ~~chapter proves by a preponderance of the evidence specific facts~~  
18 ~~indicating that newspaper publication under Article 62.03 or 62.04~~  
19 ~~would place the person's health and well-being in immediate danger.~~

20           ~~[Art. 62.08. CENTRAL DATABASE, PUBLIC INFORMATION. (a) The~~  
21 ~~department shall maintain a computerized central database~~  
22 ~~containing only the information required for registration under~~  
23 ~~this chapter.~~

24           ~~[(b) The information contained in the database is public~~  
25 ~~information, with the exception of any information:~~

26           ~~[(1) regarding the person's social security number,~~  
27 ~~driver's license number, or telephone number;~~

1           ~~[(2) that is required by the department under Article~~  
2 ~~62.02(b)(7); or~~

3           ~~[(3) that would identify the victim of the offense for~~  
4 ~~which the person is subject to registration.~~

5           ~~[(c) Notwithstanding Chapter 730, Transportation Code, the~~  
6 ~~department shall maintain in the database, and shall post on any~~  
7 ~~department website related to the database, any photograph of the~~  
8 ~~person that is available through the process for obtaining or~~  
9 ~~renewing a personal identification certificate or driver's license~~  
10 ~~under Section 521.103 or 521.272, Transportation Code. The~~  
11 ~~department shall update the photograph in the database and on the~~  
12 ~~website annually or as the photograph otherwise becomes available~~  
13 ~~through the renewal process for the certificate or license.~~

14           ~~[(d) A local law enforcement authority shall release public~~  
15 ~~information described under Subsection (b) to any person who~~  
16 ~~submits to the authority a written request for the information. The~~  
17 ~~authority may charge the person a fee not to exceed the amount~~  
18 ~~reasonably necessary to cover the administrative costs associated~~  
19 ~~with the authority's release of information to the person under~~  
20 ~~this subsection.~~

21           ~~[(e) The department shall provide a licensing authority~~  
22 ~~with notice of any person required to register under this chapter~~  
23 ~~who holds or seeks a license that is issued by the authority. The~~  
24 ~~department shall provide the notice required by this subsection as~~  
25 ~~the applicable licensing information becomes available through the~~  
26 ~~person's registration or verification of registration.~~

27           ~~[(f) On the written request of a licensing authority that~~

1 ~~identifies an individual and states that the individual is an~~  
2 ~~applicant for or a holder of a license issued by the authority, the~~  
3 ~~department shall release any information described by Subsection~~  
4 ~~(a) to the licensing authority.~~

5 ~~[(g) For the purposes of Subsections (e) and (f):~~

6 ~~[(1) "License" means a license, certificate,~~  
7 ~~registration, permit, or other authorization that:~~

8 ~~[(A) is issued by a licensing authority; and~~

9 ~~[(B) a person must obtain to practice or engage~~  
10 ~~in a particular business, occupation, or profession.~~

11 ~~[(2) "Licensing authority" means a department,~~  
12 ~~commission, board, office, or other agency of the state or a~~  
13 ~~political subdivision of the state that issues a license.~~

14 ~~[(h) Not later than the third day after the date on which the~~  
15 ~~applicable information becomes available through the person's~~  
16 ~~registration or verification of registration or under Article~~  
17 ~~62.05, the department shall send notice of any person required to~~  
18 ~~register under this chapter who is or will be employed, carrying on~~  
19 ~~a vocation, or a student at a public or private institution of~~  
20 ~~higher education in this state to:~~

21 ~~[(1) for an institution in this state:~~

22 ~~[(A) the authority for campus security for that~~  
23 ~~institution; or~~

24 ~~[(B) if an authority for campus security for that~~  
25 ~~institution does not exist, the local law enforcement authority of:~~

26 ~~[(i) the municipality in which the~~  
27 ~~institution is located; or~~

1                   ~~[(ii) the county in which the institution~~  
2 ~~is located, if the institution is not located in a municipality; or~~  
3                   ~~[(2) for an institution in another state, any existing~~  
4 ~~authority for campus security at that institution.~~

5                   ~~[(i) On the written request of an institution of higher~~  
6 ~~education described by Subsection (h) that identifies an individual~~  
7 ~~and states that the individual has applied to work or study at the~~  
8 ~~institution, the department shall release any information~~  
9 ~~described by Subsection (a) to the institution.~~

10                   ~~[Art. 62.085. INFORMATION PROVIDED TO PEACE OFFICER. The~~  
11 ~~department shall establish a procedure by which a peace officer or~~  
12 ~~employee of a law enforcement agency who provides the department~~  
13 ~~with a driver's license, personal identification certificate, or~~  
14 ~~license plate number is automatically provided information as to~~  
15 ~~whether the person to whom the driver's license or personal~~  
16 ~~identification certificate is issued is required to register under~~  
17 ~~this chapter or whether the license plate number is entered in the~~  
18 ~~computerized central database under Article 62.08 as assigned to a~~  
19 ~~vehicle owned or driven by a person required to register under this~~  
20 ~~chapter.~~

21                   ~~[Art. 62.09. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.~~  
22 ~~(a) The department, a penal institution, a local law enforcement~~  
23 ~~authority, or an authority for campus security may release to the~~  
24 ~~public information regarding a person required to register only if~~  
25 ~~the information is public information under this chapter.~~

26                   ~~[(b) An individual, agency, entity, or authority is not~~  
27 ~~liable under Chapter 101, Civil Practice and Remedies Code, or any~~

1 ~~other law for damages arising from conduct authorized by Subsection~~  
2 ~~(a).~~

3 ~~[(c) For purposes of determining liability, the release or~~  
4 ~~withholding of information by an appointed or elected officer of an~~  
5 ~~agency, entity, or authority is a discretionary act.~~

6 ~~[(d) A private primary or secondary school, public or~~  
7 ~~private institution of higher education, or administrator of a~~  
8 ~~private primary or secondary school or public or private~~  
9 ~~institution of higher education may release to the public~~  
10 ~~information regarding a person required to register only if the~~  
11 ~~information is public information under this chapter and is~~  
12 ~~released to the administrator under Article 62.03, 62.04, 62.064,~~  
13 ~~or 62.08. A private primary or secondary school, public or private~~  
14 ~~institution of higher education, or administrator of a private~~  
15 ~~primary or secondary school or public or private institution of~~  
16 ~~higher education is not liable under any law for damages arising~~  
17 ~~from conduct authorized by this subsection.~~

18 ~~[Art. 62.091. GENERAL IMMUNITY. The following persons are~~  
19 ~~immune from liability for good faith conduct under this chapter:~~

20 ~~[(1) an employee or officer of the Texas Department of~~  
21 ~~Criminal Justice, the Texas Youth Commission, the Texas Juvenile~~  
22 ~~Probation Commission, or the Department of Public Safety,~~

23 ~~[(2) an employee or officer of a community supervision~~  
24 ~~and corrections department or a juvenile probation department, and~~

25 ~~[(3) a member of the judiciary.]~~

26 Art. 62.102 [~~62.10~~]. FAILURE TO COMPLY WITH REGISTRATION  
27 REQUIREMENTS. (a) A person commits an offense if the person is

1 required to register and fails to comply with any requirement of  
2 this chapter.

3 (b) An offense under this article is:

4 (1) a state jail felony if the actor is a person whose  
5 duty to register expires under Article 62.101(b) or (c) [~~62.12(b)~~];

6 (2) a felony of the third degree if the actor is a  
7 person whose duty to register expires under Article 62.101(a)  
8 [~~62.12(a)~~] and who is required to verify registration once each  
9 year under Article 62.058 [~~62.06~~]; and

10 (3) a felony of the second degree if the actor is a  
11 person whose duty to register expires under Article 62.101(a)  
12 [~~62.12(a)~~] and who is required to verify registration once each  
13 90-day period under Article 62.058 [~~62.06~~].

14 (c) If it is shown at the trial of a person for an offense or  
15 an attempt to commit an offense under this article that the person  
16 has previously been convicted of an offense or an attempt to commit  
17 an offense under this article, the punishment for the offense or the  
18 attempt to commit the offense is increased to the punishment for the  
19 next highest degree of felony.

20 SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN

21 WORKERS AND STUDENTS

22 Art. 62.151. DEFINITIONS. For purposes of this subchapter,  
23 a person:

24 (1) is employed or carries on a vocation if the person  
25 works or volunteers on a full-time or part-time basis for a  
26 consecutive period exceeding 14 days or for an aggregate period  
27 exceeding 30 days in a calendar year;

1           (2) works regardless of whether the person works for  
2 compensation or for governmental or educational benefit; and

3           (3) is a student if the person enrolls on a full-time  
4 or part-time basis in any educational facility, including:

5                   (A) a public or private primary or secondary  
6 school, including a high school or alternative learning center; or

7                   (B) a public or private institution of higher  
8 education.

9           Art. 62.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

10 (a) A person is subject to this subchapter and, except as otherwise  
11 provided by this article, to the other subchapters of this chapter  
12 if the person:

13                   (1) has a reportable conviction or adjudication;

14                   (2) resides in another state; and

15                   (3) is employed, carries on a vocation, or is a student  
16 in this state.

17           (b) A person described by Subsection (a) is subject to the  
18 registration and verification requirements of Articles 62.051 and  
19 62.058 and to the change of address requirements of Article 62.055,  
20 except that the registration and verification and the reporting of  
21 a change of address are based on the municipality or county in which  
22 the person works or attends school. The person is subject to the  
23 school notification requirements of Articles 62.053-62.055, except  
24 that notice provided to the superintendent and any administrator is  
25 based on the public school district in which the person works or  
26 attends school.

27           (c) A person described by Subsection (a) is not subject to

1 Article 62.101.

2 (d) The duty to register for a person described by  
3 Subsection (a) ends when the person no longer works or studies in  
4 this state, provides notice of that fact to the local law  
5 enforcement authority in the municipality or county in which the  
6 person works or attends school, and receives notice of verification  
7 of that fact from the authority. The authority must verify that the  
8 person no longer works or studies in this state and must provide to  
9 the person notice of that verification within a reasonable time.

10 (e) Notwithstanding Subsection (a), this article does not  
11 apply to a person who has a reportable conviction or adjudication,  
12 who resides in another state, and who is employed, carries on a  
13 vocation, or is a student in this state if the person establishes  
14 another residence in this state to work or attend school in this  
15 state. However, that person remains subject to the other articles  
16 of this chapter based on that person's residence in this state.

17 Art. 62.153. REGISTRATION OF WORKERS OR STUDENTS AT  
18 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the later of  
19 the seventh day after the date on which the person begins to work or  
20 attend school or the first date the applicable authority by policy  
21 allows the person to register, a person required to register under  
22 Article 62.152 or any other provision of this chapter who is  
23 employed, carries on a vocation, or is a student at a public or  
24 private institution of higher education in this state shall report  
25 that fact to:

26 (1) the authority for campus security for that  
27 institution; or

1           (2) if an authority for campus security for that  
2 institution does not exist, the local law enforcement authority of:

3                   (A) the municipality in which the institution is  
4 located; or

5                   (B) the county in which the institution is  
6 located, if the institution is not located in a municipality.

7           (b) A person described by Subsection (a) shall provide the  
8 authority for campus security or the local law enforcement  
9 authority with all information the person is required to provide  
10 under Article 62.051(c).

11           (c) A person described by Subsection (a) shall notify the  
12 authority for campus security or the local law enforcement  
13 authority not later than the seventh day after the date of  
14 termination of the person's status as a worker or student at the  
15 institution.

16           (d) The authority for campus security or the local law  
17 enforcement authority shall promptly forward to the administrative  
18 office of the institution any information received from the person  
19 under this article and any information received from the department  
20 under Article 62.005.

21           (e) Subsection (a)(2) does not require a person to register  
22 with a local law enforcement authority if the person is otherwise  
23 required by this chapter to register with that authority.

24           (f) This article does not impose the requirements of public  
25 notification or notification to public or private primary or  
26 secondary schools on:

27                   (1) an authority for campus security; or

1           (2) a local law enforcement authority, if those  
2 requirements relate to a person about whom the authority is not  
3 otherwise required by this chapter to make notifications.

4           (g) Notwithstanding Article 62.059, the requirements of  
5 this article supersede those of Article 62.059 for a person  
6 required to register under both this article and Article 62.059.

7           SUBCHAPTER E. PROVISIONS APPLICABLE TO PERSONS

8                   SUBJECT TO CIVIL COMMITMENT

9           Art. 62.201. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS  
10 SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this  
11 chapter that a person subject to registration who is civilly  
12 committed as a sexually violent predator is due to be released from  
13 a penal institution or intends to move to a new residence in this  
14 state, the department shall, not later than the seventh day after  
15 the date on which the person is released or the seventh day after  
16 the date on which the person moves, provide written notice mailed or  
17 delivered to at least each address, other than a post office box,  
18 within a one-mile radius, in an area that has not been subdivided,  
19 or a three-block area, in an area that has been subdivided, of the  
20 place where the person intends to reside.

21           (b) The department shall provide the notice in English and  
22 Spanish and shall include in the notice any information that is  
23 public information under this chapter. The department may not  
24 include any information that is not public information under this  
25 chapter.

26           (c) The department shall establish procedures for a person  
27 with respect to whom notice is provided under this article to pay to

1 the department all costs incurred by the department in providing  
2 the notice. The person shall pay those costs in accordance with the  
3 procedures established under this subsection.

4 (d) The department's duty to provide notice under this  
5 article in regard to a particular person ends on the date on which a  
6 court releases the person from all requirements of the civil  
7 commitment process.

8 Art. 62.202. VERIFICATION OF INDIVIDUALS SUBJECT TO  
9 COMMITMENT. (a) Notwithstanding Article 62.058, if an individual  
10 subject to registration under this chapter is civilly committed as  
11 a sexually violent predator, the person shall report to the local  
12 law enforcement authority designated as the person's primary  
13 registration authority by the department not less than once in each  
14 30-day period following the date the person first registered under  
15 this chapter to verify the information in the registration form  
16 maintained by the authority for that person. For purposes of this  
17 subsection, a person complies with a requirement that the person  
18 register within a 30-day period following a date if the person  
19 registers at any time on or after the 27th day following that date  
20 but before the 33rd day after that date.

21 (b) On the date a court releases a person described by  
22 Subsection (a) from all requirements of the civil commitment  
23 process:

24 (1) the person's duty to verify registration as a sex  
25 offender is no longer imposed by this article; and

26 (2) the person is required to verify registration as  
27 provided by Article 62.058.

1           Art. 62.203 [~~62.101~~]. FAILURE TO COMPLY: INDIVIDUALS  
2 SUBJECT TO COMMITMENT. (a) A person commits an offense if the  
3 person, after commitment as a sexually violent predator but before  
4 the person is released from all requirements of the civil  
5 commitment process, fails to comply with any requirement of this  
6 chapter.

7           (b) An offense under this article [~~section~~] is a felony of  
8 the second degree.

9           SUBCHAPTER F. REMOVAL OF REGISTRATION INFORMATION

10           ~~[Art. 62.11. APPLICABILITY. (a) This chapter applies only~~  
11 ~~to a reportable conviction or adjudication occurring on or after~~  
12 ~~September 1, 1970, except that the provisions of Articles 62.03 and~~  
13 ~~62.04 of this chapter relating to the requirement of newspaper~~  
14 ~~publication apply only to a reportable conviction or adjudication~~  
15 ~~occurring on or after:~~

16           ~~[(1) September 1, 1997, if the conviction or~~  
17 ~~adjudication relates to an offense under Section 43.05, Penal Code,~~  
18 ~~or~~

19           ~~[(2) September 1, 1995, if the conviction or~~  
20 ~~adjudication relates to any other offense listed in Article~~  
21 ~~62.01(5).~~

22           ~~[(b) Except as provided by Subsection (c), the duties~~  
23 ~~imposed on a person required to register under this chapter on the~~  
24 ~~basis of a reportable conviction or adjudication, and the~~  
25 ~~corresponding duties and powers of other entities in relation to~~  
26 ~~the person required to register on the basis of that conviction or~~  
27 ~~adjudication, are not affected by:~~

1           ~~[(1) an appeal of the conviction or adjudication; or~~

2           ~~[(2) a pardon of the conviction or adjudication.~~

3           ~~[(c) If a conviction or adjudication that is the basis of a~~  
4 ~~duty to register under this chapter is set aside on appeal by a~~  
5 ~~court or if the person required to register under this chapter on~~  
6 ~~the basis of a conviction or adjudication receives a pardon on the~~  
7 ~~basis of subsequent proof of innocence, the duties imposed on the~~  
8 ~~person by this chapter and the corresponding duties and powers of~~  
9 ~~other entities in relation to the person are terminated.~~

10           ~~[Art. 62.12. EXPIRATION OF DUTY TO REGISTER. (a) The duty~~  
11 ~~to register for a person ends when the person dies if the person has~~  
12 ~~a reportable conviction or adjudication, other than an adjudication~~  
13 ~~of delinquent conduct, for:~~

14           ~~[(1) a sexually violent offense;~~

15           ~~[(2) an offense under Section 25.02, 43.05(a)(2), or~~  
16 ~~43.26, Penal Code;~~

17           ~~[(3) an offense under Section 21.11(a)(2), Penal Code,~~  
18 ~~if before or after the person is convicted or adjudicated for the~~  
19 ~~offense under Section 21.11(a)(2), Penal Code, the person receives~~  
20 ~~or has received another reportable conviction or adjudication,~~  
21 ~~other than an adjudication of delinquent conduct, for an offense or~~  
22 ~~conduct that requires registration under this chapter; or~~

23           ~~[(4) an offense under Section 20.02, 20.03, or 20.04,~~  
24 ~~Penal Code, or an attempt, conspiracy, or solicitation to commit~~  
25 ~~one of those offenses, if:~~

26           ~~[(A) the judgment in the case contains an~~  
27 ~~affirmative finding under Article 42.015 or, for a deferred~~

1 ~~adjudication, the papers in the case contain an affirmative finding~~  
2 ~~that the victim or intended victim was younger than 17 years of age,~~  
3 ~~and~~

4 ~~[(B) before or after the person is convicted or~~  
5 ~~adjudicated for the offense under Section 20.02, 20.03, or 20.04,~~  
6 ~~Penal Code, the person receives or has received another reportable~~  
7 ~~conviction or adjudication, other than an adjudication of~~  
8 ~~delinquent conduct, for an offense or conduct that requires~~  
9 ~~registration under this chapter.~~

10 ~~[(b) The duty to register for a person with a reportable~~  
11 ~~conviction or adjudication for an offense other than an offense~~  
12 ~~described by Subsection (a) ends.~~

13 ~~[(1) if the person's duty to register is based on an~~  
14 ~~adjudication of delinquent conduct, on the 10th anniversary of the~~  
15 ~~date on which the disposition is made or the person completes the~~  
16 ~~terms of the disposition, whichever date is later, or~~

17 ~~[(2) if the person's duty to register is based on a~~  
18 ~~conviction or on an order of deferred adjudication, on the 10th~~  
19 ~~anniversary of the date on which the court dismisses the criminal~~  
20 ~~proceedings against the person and discharges the person, the~~  
21 ~~person is released from county jail, or the person discharges~~  
22 ~~community supervision, whichever date is later.~~

23 ~~[Art. 62.13. HEARING TO DETERMINE NEED FOR REGISTRATION OF~~  
24 ~~A JUVENILE. (a) A person who has an adjudication of delinquent~~  
25 ~~conduct that would otherwise be reportable under Article 62.01(5)~~  
26 ~~does not have a reportable adjudication of delinquent conduct for~~  
27 ~~purposes of this chapter if the juvenile court enters an order under~~

1 ~~this article excusing compliance by the person with the~~  
2 ~~registration requirements of this chapter.~~

3 ~~[(b) During or after disposition of a case under Section~~  
4 ~~54.04, Family Code, for adjudication of an offense for which~~  
5 ~~registration is required under this chapter, the juvenile court on~~  
6 ~~motion of the respondent shall conduct a hearing to determine~~  
7 ~~whether the interests of the public require registration under this~~  
8 ~~chapter. The motion may be filed and the hearing held regardless of~~  
9 ~~whether the respondent is under 18 years of age.~~

10 ~~[(c) The hearing is without a jury and the burden of~~  
11 ~~persuasion is on the respondent to show by a preponderance of~~  
12 ~~evidence that the criteria of Subsection (c) have been met. The~~  
13 ~~court at the hearing may make its determination based on:~~

- 14 ~~[(1) the receipt of exhibits,~~  
15 ~~[(2) the testimony of witnesses,~~  
16 ~~[(3) representations of counsel for the parties, or~~  
17 ~~[(4) the contents of a social history report prepared~~  
18 ~~by the juvenile probation department that may include the results~~  
19 ~~of testing and examination of the respondent by a psychologist,~~  
20 ~~psychiatrist, or counselor.~~

21 ~~[(d) All written matter considered by the court shall be~~  
22 ~~disclosed to all parties as provided by Section 54.04(b), Family~~  
23 ~~Code.~~

24 ~~[(e) The court shall enter an order excusing compliance with~~  
25 ~~the registration requirements of this chapter if the court~~  
26 ~~determines:~~

- 27 ~~[(1) that the protection of the public would not be~~

1 increased by registration of the respondent under this chapter; or  
2           ~~[(2) that any potential increase in protection of the~~  
3 ~~public resulting from registration is clearly outweighed by the~~  
4 ~~anticipated substantial harm to the respondent and the respondent's~~  
5 ~~family that would result from registration under this chapter.~~

6           ~~[(f) The prosecuting attorney may waive the state's right to~~  
7 ~~a hearing under this article and agree that registration under this~~  
8 ~~chapter is not required. If the waiver is entered under a plea~~  
9 ~~agreement, the court shall without a hearing enter an order~~  
10 ~~excusing compliance with the registration requirements of this~~  
11 ~~chapter or, under Section 54.03(j), Family Code, inform the~~  
12 ~~respondent that the court believes a hearing under this article is~~  
13 ~~required and give the respondent the opportunity to withdraw the~~  
14 ~~respondent's plea of guilty, nolo contendere, or true or to affirm~~  
15 ~~the respondent's plea and participate in the hearing. If the waiver~~  
16 ~~is entered other than under a plea agreement, the court shall~~  
17 ~~without a hearing enter an order excusing compliance with the~~  
18 ~~registration requirements of this chapter. The waiver must state~~  
19 ~~whether or not it is entered under a plea agreement. The respondent~~  
20 ~~may as part of a plea agreement promise not to file a motion seeking~~  
21 ~~an order excusing registration, in which case the court may not~~  
22 ~~recognize the motion.~~

23           ~~[(g) Notwithstanding Section 56.01, Family Code, on entry~~  
24 ~~by a juvenile court of an order under Subsection (e) excusing~~  
25 ~~registration under this chapter, the prosecuting attorney may~~  
26 ~~appeal that order by giving notice of appeal within the time~~  
27 ~~required under Rule 26.2(b), Texas Rules of Appellate Procedure.~~

1 ~~The appeal is civil and the standard of review in the appellate~~  
2 ~~court is whether the juvenile court committed procedural error or~~  
3 ~~abused its discretion in excusing compliance with registration.~~  
4 ~~The appeal is limited to review of the order excusing compliance~~  
5 ~~with registration and may not include any other issues in the case.~~

6 ~~[(h) The respondent may under Section 56.01, Family Code,~~  
7 ~~appeal the juvenile court's order requiring registration in the~~  
8 ~~same manner as the appeal of any other legal issue in the case. The~~  
9 ~~standard of review in the appellate court is whether the juvenile~~  
10 ~~court committed procedural error or abused its discretion in not~~  
11 ~~excusing compliance with registration.~~

12 ~~[(i) If the juvenile court enters an order excusing~~  
13 ~~registration, the respondent may not be required to register in~~  
14 ~~this or any other state for the offense for which registration was~~  
15 ~~excused.~~

16 ~~[(j) After a hearing under Subsection (b) or under a plea~~  
17 ~~agreement under Subsection (f), the juvenile court may enter an~~  
18 ~~order deferring decision on requiring registration until the~~  
19 ~~respondent has completed treatment for the respondent's sexual~~  
20 ~~offense as a condition of probation or while committed to the Texas~~  
21 ~~Youth Commission. The court retains discretion to require or to~~  
22 ~~excuse registration at any time during the treatment or on its~~  
23 ~~successful or unsuccessful completion. During the period of~~  
24 ~~deferral, registration may not be required. Following successful~~  
25 ~~completion of treatment, registration is excused unless a hearing~~  
26 ~~under this article is held on motion of the state and the court~~  
27 ~~determines the interests of the public require registration. Not~~

1 ~~later than the 10th day after the date of the respondent's~~  
2 ~~successful completion of treatment, the treatment provider shall~~  
3 ~~notify the juvenile court and prosecuting attorney of the~~  
4 ~~completion.~~

5 ~~[(k) After a hearing under Subsection (b) or under a plea~~  
6 ~~agreement under Subsection (f), the juvenile court may enter an~~  
7 ~~order requiring the respondent to register as a sex offender but~~  
8 ~~provide that the registration information is not public information~~  
9 ~~and is restricted to use by law enforcement and criminal justice~~  
10 ~~agencies and public or private institutions of higher education.~~  
11 ~~Information obtained under this subsection may not be posted on the~~  
12 ~~Internet or released to the public.~~

13 ~~[(l) A person who has registered as a sex offender for an~~  
14 ~~adjudication of delinquent conduct, regardless of when the~~  
15 ~~delinquent conduct or the adjudication for the conduct occurred,~~  
16 ~~may file a motion in the adjudicating juvenile court for a hearing~~  
17 ~~seeking excusal from registration as provided by Subsection (c) or~~  
18 ~~seeking under Subsection (k) an order that the registration become~~  
19 ~~nonpublic.~~

20 ~~[(m) The person may file a motion under Subsection (l) in~~  
21 ~~the original juvenile case regardless of whether the person is at~~  
22 ~~the time of filing 18 years of age or older. Notice of the motion~~  
23 ~~shall be provided to the prosecuting attorney. A hearing on the~~  
24 ~~motion shall be provided as in other cases under this article.~~

25 ~~[(n) Only one motion may be filed under Subsection (l) if a~~  
26 ~~previous motion under this article has been filed concerning that~~  
27 ~~case.~~

1           ~~[(o) To the extent feasible, the motion under Subsection (l)~~  
2 ~~shall identify those public and private agencies and organizations,~~  
3 ~~including public or private institutions of higher education, that~~  
4 ~~possess sex offender registration information about the case.~~

5           ~~[(p) The juvenile court, after a hearing, may:~~

6                     ~~[(1) deny the motion,~~

7                     ~~[(2) grant the motion to excuse all registration; or~~

8                     ~~[(3) grant the motion to change the registration from~~  
9 ~~public to nonpublic.~~

10           ~~[(q) If the court grants the motion, the clerk of the court~~  
11 ~~shall by certified mail, return receipt requested, send a copy of~~  
12 ~~the order to the department, to each local law enforcement~~  
13 ~~authority that the person has proved to the juvenile court has~~  
14 ~~registration information about the person, and to each public or~~  
15 ~~private agency or organization that the person has proved to the~~  
16 ~~juvenile court has information about the person that is currently~~  
17 ~~available to the public with or without payment of a fee. The clerk~~  
18 ~~of the court shall by certified mail, return receipt requested,~~  
19 ~~send a copy of the order to any other agency or organization~~  
20 ~~designated by the person. The person shall identify the agency or~~  
21 ~~organization and its address and pay a fee of \$20 to the court for~~  
22 ~~each agency or organization the person designates.~~

23           ~~[(q) If the court grants the motion, a copy of the court's~~  
24 ~~order shall be sent to:~~

25                     ~~[(1) each public or private agency or organization~~  
26 ~~that the court determines may be in possession of sex offender~~  
27 ~~registration information pertaining to the person required to~~

1 ~~register under this chapter, and~~

2 ~~[(2) at the request of the person required to register~~  
3 ~~under this chapter, each public or private agency or organization~~  
4 ~~that at any time following the initial dissemination of the order~~  
5 ~~under Subdivision (1) gains possession of sex offender registration~~  
6 ~~information pertaining to that person, if the agency or~~  
7 ~~organization did not otherwise receive a copy of the order under~~  
8 ~~Subdivision (1).~~

9 ~~[(q-1) An order under Subsection (q) shall require the~~  
10 ~~recipient to conform its records to the court's orders either by~~  
11 ~~deleting the sex offender registration information or changing its~~  
12 ~~status to nonpublic, as the order requires. A public or private~~  
13 ~~institution of higher education may not be required to delete the~~  
14 ~~sex offender registration information under this subsection.~~

15 ~~[(r) A private agency or organization that possesses sex~~  
16 ~~offender registration information it obtained from a state, county,~~  
17 ~~or local governmental entity is required to conform its records to~~  
18 ~~the court's order on or before the 30th day after the date of its~~  
19 ~~entry. Failure to comply in that period automatically bars an~~  
20 ~~agency or organization, other than a public or private institution~~  
21 ~~of higher education, from obtaining sex offender registration~~  
22 ~~information from any state, county, or local governmental entity in~~  
23 ~~this state in the future.~~

24 ~~[(s) A person required to register as a sex offender in this~~  
25 ~~state because of an out-of-state adjudication of delinquent conduct~~  
26 ~~may file in the juvenile court of the person's county of residence a~~  
27 ~~petition under Subsection (a) for an order to excuse compliance~~

1 ~~with this chapter. If the person is already registered as a sex~~  
2 ~~offender in this state because of an out-of-state adjudication of~~  
3 ~~delinquent conduct, the person may file in the juvenile court of the~~  
4 ~~person's county of residence a petition under Subsection (1) for an~~  
5 ~~order removing the person from sex offender registries in this~~  
6 ~~state. On receipt of a petition to excuse compliance or for~~  
7 ~~removal, the juvenile court shall conduct a hearing and make~~  
8 ~~rulings as in other cases under this article. An order entered under~~  
9 ~~this subsection requiring removal of registration information~~  
10 ~~applies only to registration information derived from registration~~  
11 ~~in this state.]~~

12 Art. 62.251 [~~62.14~~]. REMOVING [~~JUVENILE~~] REGISTRATION  
13 INFORMATION WHEN DUTY TO REGISTER EXPIRES. (a) When a person is no  
14 longer required to register as a sex offender under this chapter  
15 [~~for an adjudication of delinquent conduct~~], the department shall  
16 remove all information about the person from the sex offender  
17 registry.

18 (b) The duty to remove information under Subsection (a)  
19 arises if:

20 (1) the department has received notice from a local  
21 law enforcement authority under Subsection (c) or (d) that the  
22 person is no longer required to register or will no longer be  
23 required to renew registration and the department verifies the  
24 correctness of that information;

25 (2) the [~~juvenile~~] court having jurisdiction over  
26 [~~that adjudicated~~] the case for which registration is required  
27 requests removal and the department determines that the duty to

1 register has expired; or

2 (3) the person or the person's representative requests  
3 removal and the department determines that the duty to register has  
4 expired.

5 (c) When a person required to register under this chapter  
6 [~~for an adjudication of delinquent conduct~~] appears before a local  
7 law enforcement authority to renew or modify registration  
8 information, the authority shall determine whether the duty to  
9 register has expired. If the authority determines that the duty to  
10 register has expired, the authority shall remove all information  
11 about the person from the sex offender registry and notify the  
12 department that the person's duty to register has expired.

13 (d) When a person required to register under this chapter  
14 [~~for an adjudication of delinquent conduct~~] appears before a local  
15 law enforcement authority to renew registration information, the  
16 authority shall determine whether the renewal is the final annual  
17 renewal of registration required by law. If the authority  
18 determines that the person's duty to register will expire before  
19 the next annual renewal is scheduled, the authority shall  
20 automatically remove all information about the person from the sex  
21 offender registry on expiration of the duty to register and notify  
22 the department that the information about the person has been  
23 removed from the registry.

24 (e) When the department has removed information under  
25 Subsection (a), the department shall notify all local law  
26 enforcement authorities that have provided registration  
27 information to the department about the person of the removal. A

1 local law enforcement authority that receives notice from the  
2 department under this subsection shall remove all registration  
3 information about the person from its registry.

4 (f) When the department has removed information under  
5 Subsection (a), the department shall notify all public and private  
6 agencies or organizations to which it has provided registration  
7 information about the person of the removal. On receiving notice,  
8 the public or private agency or organization shall remove all  
9 registration information about the person from any registry the  
10 agency or organization maintains that is accessible to the public  
11 with or without charge.

12 SUBCHAPTER G. EXEMPTION FROM REGISTRATION FOR

13 CERTAIN YOUNG ADULT SEX OFFENDERS

14 Art. 62.301. EXEMPTION FROM REGISTRATION FOR CERTAIN YOUNG  
15 ADULT SEX OFFENDERS. (a) If eligible under Subsection (b) or (c),  
16 a person required to register under this chapter may petition the  
17 court having jurisdiction over the case for an order exempting the  
18 person from registration under this chapter at any time after the  
19 person's sentencing or after the person is placed on deferred  
20 adjudication community supervision.

21 (b) A person is eligible to petition the court as described  
22 by Subsection (a) if:

23 (1) the person is required to register only as a result  
24 of a single reportable conviction or adjudication, other than an  
25 adjudication of delinquent conduct; and

26 (2) the court has entered in the appropriate judgment  
27 or has filed with the appropriate papers a statement of an

1 affirmative finding described by Article 42.017 or Section 5(g),  
2 Article 42.12.

3 (c) A defendant who before September 1, 2001, is convicted  
4 of or placed on deferred adjudication community supervision for an  
5 offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,  
6 is eligible to petition the court as described by Subsection (a).  
7 The court may consider the petition only if the petition states and  
8 the court finds that the defendant would have been entitled to the  
9 entry of an affirmative finding under Article 42.017 or Section  
10 5(g), Article 42.12, as appropriate, had the conviction or  
11 placement on deferred adjudication community supervision occurred  
12 after September 1, 2001.

13 (d) After a hearing on the petition described by Subsection  
14 (a), the court may issue and order exempting the person from  
15 registration under this chapter if it appears by a preponderance of  
16 the evidence:

17 (1) as presented by a registered sex offender  
18 treatment provider, that the exemption does not threaten public  
19 safety; and

20 (2) that the person's conduct did not occur without the  
21 consent of the victim or intended victim as described by Section  
22 22.011(b), Penal Code.

23 (e) An order exempting the person from registration under  
24 this chapter does not expire, but the court shall withdraw the order  
25 if after the order is issued the person receives a reportable  
26 conviction or adjudication under this chapter.

1 SUBCHAPTER H. EXEMPTIONS FROM REGISTRATION FOR CERTAIN JUVENILES

2 Art. 62.351. MOTION AND HEARING GENERALLY. (a) During or  
3 after disposition of a case under Section 54.04, Family Code, for  
4 adjudication of an offense for which registration is required under  
5 this chapter, the juvenile court on motion of the respondent shall  
6 conduct a hearing to determine whether the interests of the public  
7 require registration under this chapter. The motion may be filed  
8 and the hearing held regardless of whether the respondent is under  
9 18 years of age. Notice of the motion and hearing shall be provided  
10 to the prosecuting attorney.

11 (b) The hearing is without a jury and the burden of  
12 persuasion is on the respondent to show by a preponderance of  
13 evidence that the criteria of Article 62.352(a) have been met. The  
14 court at the hearing may make its determination based on:

- 15 (1) the receipt of exhibits;  
16 (2) the testimony of witnesses;  
17 (3) representations of counsel for the parties; or  
18 (4) the contents of a social history report prepared  
19 by the juvenile probation department that may include the results  
20 of testing and examination of the respondent by a psychologist,  
21 psychiatrist, or counselor.

22 (c) All written matter considered by the court shall be  
23 disclosed to all parties as provided by Section 54.04(b), Family  
24 Code.

25 (d) If a respondent, as part of a plea agreement, promises  
26 not to file a motion seeking an order exempting the respondent from  
27 registration under this chapter, the court may not recognize a

1 motion filed by a respondent under this article.

2 Art. 62.352. ORDER GENERALLY. (a) The court shall enter an  
3 order exempting a respondent from registration under this chapter  
4 if the court determines:

5 (1) that the protection of the public would not be  
6 increased by registration of the respondent under this chapter; or

7 (2) that any potential increase in protection of the  
8 public resulting from registration of the respondent is clearly  
9 outweighed by the anticipated substantial harm to the respondent  
10 and the respondent's family that would result from registration  
11 under this chapter.

12 (b) After a hearing under Article 62.351 or under a plea  
13 agreement described by Article 62.355(b), the juvenile court may  
14 enter an order:

15 (1) deferring decision on requiring registration  
16 under this chapter until the respondent has completed treatment for  
17 the respondent's sexual offense as a condition of probation or  
18 while committed to the Texas Youth Commission; or

19 (2) requiring the respondent to register as a sex  
20 offender but providing that the registration information is not  
21 public information and is restricted to use by law enforcement and  
22 criminal justice agencies, the Council on Sex Offender Treatment,  
23 and public or private institutions of higher education.

24 (c) If the court enters an order described by Subsection  
25 (b)(1), the court retains discretion to require, or exempt the  
26 respondent from, registration under this chapter at any time during  
27 the treatment or on the successful or unsuccessful completion of

1 treatment, except that during the period of deferral, registration  
2 may not be required. Following successful completion of treatment,  
3 the respondent is exempted from registration under this chapter  
4 unless a hearing under this subchapter is held on motion of the  
5 state and the court determines the interests of the public require  
6 registration. Not later than the 10th day after the date of the  
7 respondent's successful completion of treatment, the treatment  
8 provider shall notify the juvenile court and prosecuting attorney  
9 of the completion.

10 (d) Information that is the subject of an order described by  
11 Subsection (b)(2) may not be posted on the Internet or released to  
12 the public.

13 Art. 62.353. MOTION, HEARING, AND ORDER CONCERNING PERSON  
14 ALREADY REGISTERED. (a) A person who has registered as a sex  
15 offender for an adjudication of delinquent conduct, regardless of  
16 when the delinquent conduct or the adjudication for the conduct  
17 occurred, may file a motion in the adjudicating juvenile court for a  
18 hearing seeking:

19 (1) exemption from registration under this chapter as  
20 provided by Article 62.351; or

21 (2) an order under Article 62.352(b)(2) that the  
22 registration become nonpublic.

23 (b) The person may file a motion under Subsection (a) in the  
24 original juvenile case regardless of whether the person, at the  
25 time of filing the motion, is 18 years of age or older. Notice of  
26 the motion shall be provided to the prosecuting attorney. A hearing  
27 on the motion shall be provided as in other cases under this

1 subchapter.

2 (c) Only one subsequent motion may be filed under Subsection  
3 (a) if a previous motion under this article has been filed  
4 concerning the case.

5 (d) To the extent feasible, the motion under Subsection (a)  
6 shall identify those public and private agencies and organizations,  
7 including public or private institutions of higher education, that  
8 possess sex offender registration information about the case.

9 (e) The juvenile court, after a hearing, may:

10 (1) deny a motion filed under Subsection (a);

11 (2) grant a motion described by Subsection (a)(1); or

12 (3) grant a motion described by Subsection (a)(2).

13 (f) If the court grants a motion filed under Subsection (a),  
14 the clerk of the court shall by certified mail, return receipt  
15 requested, send a copy of the order to the department, to each local  
16 law enforcement authority that the person has proved to the  
17 juvenile court has registration information about the person, and  
18 to each public or private agency or organization that the person has  
19 proved to the juvenile court has information about the person that  
20 is currently available to the public with or without payment of a  
21 fee. The clerk of the court shall by certified mail, return receipt  
22 requested, send a copy of the order to any other agency or  
23 organization designated by the person. The person shall identify  
24 the agency or organization and its address and pay a fee of \$20 to  
25 the court for each agency or organization the person designates.

26 (g) In addition to disseminating the order under Subsection  
27 (f), at the request of the person, the clerk of the court shall by

1 certified mail, return receipt requested, send a copy of the order  
2 to each public or private agency or organization that at any time  
3 following the initial dissemination of the order under Subsection  
4 (f) gains possession of sex offender registration information  
5 pertaining to that person, if the agency or organization did not  
6 otherwise receive a copy of the order under Subsection (f).

7 (h) An order under Subsection (f) must require the recipient  
8 to conform its records to the court's order either by deleting the  
9 sex offender registration information or changing its status to  
10 nonpublic, as applicable. A public or private institution of  
11 higher education may not be required to delete the sex offender  
12 registration information under this subsection.

13 (i) A private agency or organization that possesses sex  
14 offender registration information the agency or organization  
15 obtained from a state, county, or local governmental entity is  
16 required to conform the agency's or organization's records to the  
17 court's order on or before the 30th day after the date of the entry  
18 of the order. Unless the agency or organization is a public or  
19 private institution of higher education, failure to comply in that  
20 period automatically bars the agency or organization from obtaining  
21 sex offender registration information from any state, county, or  
22 local governmental entity in this state in the future.

23 Art. 62.354. MOTION, HEARING, AND ORDER CONCERNING PERSON  
24 REQUIRED TO REGISTER BECAUSE OF OUT-OF-STATE ADJUDICATION. (a) A  
25 person required to register as a sex offender in this state because  
26 of an out-of-state adjudication of delinquent conduct may file in  
27 the juvenile court of the person's county of residence a petition

1 under Article 62.351 for an order exempting the person from  
2 registration under this chapter.

3 (b) If the person is already registered as a sex offender in  
4 this state because of an out-of-state adjudication of delinquent  
5 conduct, the person may file in the juvenile court of the person's  
6 county of residence a petition under Article 62.353 for an order  
7 removing the person from sex offender registries in this state.

8 (c) On receipt of a petition under this article, the  
9 juvenile court shall conduct a hearing and make rulings as in other  
10 cases under this subchapter.

11 (d) An order entered under this article requiring removal of  
12 registration information applies only to registration information  
13 derived from registration in this state.

14 Art. 62.355. WAIVER OF HEARING. (a) The prosecuting  
15 attorney may waive the state's right to a hearing under this  
16 subchapter and agree that registration under this chapter is not  
17 required. A waiver under this subsection must state whether the  
18 waiver is entered under a plea agreement.

19 (b) If the waiver is entered under a plea agreement, the  
20 court, without a hearing, shall:

21 (1) enter an order exempting the respondent from  
22 registration under this chapter; or

23 (2) under Section 54.03(j), Family Code, inform the  
24 respondent that the court believes a hearing under this article is  
25 required and give the respondent the opportunity to:

26 (A) withdraw the respondent's plea of guilty,  
27 nolo contendere, or true; or

1                   (B) affirm the respondent's plea and participate  
2 in the hearing.

3                   (c) If the waiver is entered other than under a plea  
4 agreement, the court, without a hearing, shall enter an order  
5 exempting the respondent from registration under this chapter.

6                   Art. 62.356. EFFECT OF CERTAIN ORDERS. (a) A person who  
7 has an adjudication of delinquent conduct that would otherwise be  
8 reportable under Article 62.001(5) does not have a reportable  
9 adjudication of delinquent conduct for purposes of this chapter if  
10 the juvenile court enters an order under this subchapter exempting  
11 the person from the registration requirements of this chapter.

12                   (b) If the juvenile court enters an order exempting a person  
13 from registration under this chapter, the respondent may not be  
14 required to register in this or any other state for the offense for  
15 which registration was exempted.

16                   Art. 62.357. APPEAL OF CERTAIN ORDERS. (a)  
17 Notwithstanding Section 56.01, Family Code, on entry by a juvenile  
18 court of an order under Article 62.352(a) exempting a respondent  
19 from registration under this chapter, the prosecuting attorney may  
20 appeal that order by giving notice of appeal within the time  
21 required under Rule 26.2(b), Texas Rules of Appellate Procedure.  
22 The appeal is civil and the standard of review in the appellate  
23 court is whether the juvenile court committed procedural error or  
24 abused its discretion in exempting the respondent from registration  
25 under this chapter. The appeal is limited to review of the order  
26 exempting the respondent from registration under this chapter and  
27 may not include any other issues in the case.

1       (b) A respondent may under Section 56.01, Family Code,  
2 appeal a juvenile court's order under Article 62.352(a) requiring  
3 registration in the same manner as the appeal of any other legal  
4 issue in the case. The standard of review in the appellate court is  
5 whether the juvenile court committed procedural error or abused its  
6 discretion in requiring registration.

7           SUBCHAPTER I. EARLY TERMINATION OF CERTAIN PERSONS'

8                   OBLIGATION TO REGISTER

9       Art. 62.401. DEFINITION. In this subchapter, "council"  
10 means the Council on Sex Offender Treatment.

11       Art. 62.402. DETERMINATION OF MINIMUM REQUIRED  
12 REGISTRATION PERIOD. (a) The council by rule shall determine the  
13 minimum required registration period under 42 U.S.C. Section 14071  
14 (Jacob Wetterling Crimes Against Children and Sexually Violent  
15 Offender Registration Program) for each reportable conviction or  
16 adjudication under this chapter, if this state is to receive the  
17 maximum amount of federal money available to a state as described by  
18 that law.

19       (b) After determining the minimum required registration  
20 period for each reportable conviction or adjudication under  
21 Subsection (a), the council shall compile and publish a list of  
22 reportable convictions or adjudications for which a person must  
23 register under this chapter for a period that exceeds the minimum  
24 required registration period under federal law.

25       (c) To the extent possible, the council shall periodically  
26 verify with the Bureau of Justice Assistance or another appropriate  
27 federal agency the accuracy of the list of reportable convictions

1 or adjudications described by Subsection (b).

2 Art. 62.403. INDIVIDUAL RISK ASSESSMENT. (a) The council  
3 by rule shall establish, develop, or adopt an individual risk  
4 assessment tool or a group of individual risk assessment tools  
5 that:

6 (1) evaluates the criminal history of a person  
7 required to register under this chapter; and

8 (2) seeks to predict:

9 (A) the likelihood that the person will engage in  
10 criminal activity that may result in the person receiving a second  
11 or subsequent reportable adjudication or conviction; and

12 (B) the continuing danger, if any, that the  
13 person poses to the community.

14 (b) On the written request of a person with a single  
15 reportable adjudication or conviction that appears on the list  
16 published under Article 62.402(b), the council shall:

17 (1) evaluate the person using the individual risk  
18 assessment tool or group of individual risk assessment tools  
19 established, developed, or adopted under Subsection (a); and

20 (2) provide to the person a written report detailing  
21 the outcome of an evaluation conducted under Subdivision (1).

22 (c) An individual risk assessment provided to a person under  
23 this subchapter is confidential and is not subject to disclosure  
24 under Chapter 552, Government Code.

25 Art. 62.404. MOTION FOR EARLY TERMINATION. (a) A person  
26 required to register under this chapter who has requested and  
27 received an individual risk assessment under Article 62.403 may

1 file with the trial court that sentenced the person for the  
2 reportable conviction or adjudication a motion for early  
3 termination of the person's obligation to register under this  
4 chapter.

5 (b) A motion filed under this article must be accompanied  
6 by:

7 (1) a written explanation of how the reportable  
8 conviction or adjudication giving rise to the movant's registration  
9 under this chapter qualifies as a reportable conviction or  
10 adjudication that appears on the list published under Article  
11 62.402(b); and

12 (2) a certified copy of a written report detailing the  
13 outcome of an individual risk assessment evaluation conducted under  
14 Article 62.403(b)(1).

15 Art. 62.405. HEARING ON PETITION. (a) After reviewing a  
16 motion filed with the court under Article 62.404, the court may:

17 (1) deny without a hearing the movant's request for  
18 early termination; or

19 (2) hold a hearing on the motion to determine whether  
20 to grant or deny the motion.

21 (b) The court may not grant a motion filed under Article  
22 62.404 if:

23 (1) the motion is not accompanied by the documents  
24 required under Article 62.404(b); or

25 (2) the court determines that the reportable  
26 conviction or adjudication for which the movant is required to  
27 register under this chapter is not a reportable conviction or

1 adjudication for which the movant is required to register for a  
2 period that exceeds the minimum required registration period under  
3 federal law.

4 Art. 62.406. COSTS OF INDIVIDUAL RISK ASSESSMENT AND OF  
5 COURT. A person required to register under this chapter who files a  
6 motion for early termination of the person's registration  
7 obligation under this chapter is responsible for and shall remit to  
8 the council and to the court, as applicable, all costs associated  
9 with and incurred by the council in providing the individual risk  
10 assessment or by the court in holding a hearing under this  
11 subchapter.

12 Art. 62.407. EFFECT OF ORDER GRANTING EARLY TERMINATION.

13 (a) If, after notice to the person and to the prosecuting attorney  
14 and a hearing, the court grants a motion filed under Article 62.404  
15 for the early termination of a person's obligation to register  
16 under this chapter, notwithstanding Article 62.101, the person's  
17 obligation to register under this chapter ends on the later of:

18 (1) the date the court enters the order of early  
19 termination; or

20 (2) the date the person has paid each cost described by  
21 Section 62.406.

22 (b) If the court grants a motion filed under Article 62.404  
23 for the early termination of a person's obligation to register  
24 under this chapter, all conditions of the person's parole, release  
25 to mandatory supervision, or community supervision shall be  
26 modified in accordance with the court's order.

27 Art. 62.408. NONAPPLICABILITY. This subchapter does not

1 apply to a person without a reportable conviction or adjudication  
2 who is required to register as a condition of parole, release to  
3 mandatory supervision, or community supervision.

4 SECTION 1.02. Chapter 13, Code of Criminal Procedure, is  
5 amended by adding Article 13.30 to read as follows:

6 Art. 13.30. FAILURE TO COMPLY WITH SEX OFFENDER  
7 REGISTRATION STATUTE. An offense under Chapter 62 may be  
8 prosecuted in:

9 (1) any county in which an element of the offense  
10 occurs;

11 (2) the county in which the person subject to Chapter  
12 62 last registered, verified registration, or otherwise complied  
13 with a requirement of Chapter 62;

14 (3) the county in which the person required to  
15 register under Chapter 62 has indicated that the person intends to  
16 reside; or

17 (4) any county in which the person required to  
18 register under Chapter 62 is placed under custodial arrest for an  
19 offense subsequent to the person's most recent reportable  
20 conviction or adjudication under Chapter 62.

21 SECTION 1.03. Article 26.13(h), Code of Criminal Procedure,  
22 is amended to read as follows:

23 (h) The court must substantially comply with Subsection  
24 (a)(5). The failure of the court to comply with Subsection (a)(5)  
25 is not a ground for the defendant to set aside the conviction,  
26 sentence, or plea. [~~Before accepting a plea of guilty or nolo~~  
27 ~~contendere from a defendant described by Subsection (a)(5), the~~

1 ~~court shall ascertain whether the attorney representing the~~  
2 ~~defendant has advised the defendant regarding registration~~  
3 ~~requirements under Chapter 62.]~~

4 SECTION 1.04. Article 44.01, Code of Criminal Procedure, is  
5 amended by adding Subsection (1) to read as follows:

6 (1) The state is entitled to appeal an order entered under:

7 (1) Subchapter G or H, Chapter 62, that exempts a  
8 person from complying with the requirements of Chapter 62; and

9 (2) Subchapter I, Chapter 62, that terminates a  
10 person's obligation to register under Chapter 62.

11 SECTION 1.05. Subchapter G, Chapter 411, Government Code,  
12 is amended by adding Section 411.1473 to read as follows:

13 Sec. 411.1473. DNA RECORDS OF CERTAIN REGISTERED SEX  
14 OFFENDERS. (a) This section applies only to a person who is  
15 required to register under Chapter 62, Code of Criminal Procedure.

16 (b) The department by rule shall require a law enforcement  
17 agency serving as a person's primary registration authority under  
18 Chapter 62, Code of Criminal Procedure, to:

19 (1) take one or more specimens from a person described  
20 by Subsection (a) for the purpose of creating a DNA record; and

21 (2) preserve the specimen and maintain a record of the  
22 collection of the specimen.

23 (c) A law enforcement agency taking a specimen under this  
24 section may either send the specimen to the director or send to the  
25 director an analysis of the specimen performed by a laboratory  
26 chosen by the agency and approved by the director.

27 (d) A law enforcement agency is not required to take and a

1 person is not required to provide a specimen under this section if  
2 the person is required to and has provided a specimen under this  
3 chapter or other law.

4 SECTION 1.06. Section 508.186, Government Code, is amended  
5 to read as follows:

6 Sec. 508.186. SEX OFFENDER REGISTRATION. [~~a~~] A parole  
7 panel shall require as a condition of parole or mandatory  
8 supervision that a releasee required to register as a sex offender  
9 under Chapter 62, Code of Criminal Procedure:

10 (1) register under that chapter; and

11 (2) [~~pay to the releasee's supervising officer an~~  
12 ~~amount equal to the cost, as evidenced by written receipt, incurred~~  
13 ~~by the applicable local law enforcement authority for providing~~  
14 ~~notice for publication to a newspaper as required by that chapter,~~  
15 ~~and~~

16 [~~3~~] submit a blood sample or other specimen to the  
17 Department of Public Safety under Subchapter G, Chapter 411, for  
18 the purpose of creating a DNA record of the releasee, unless the  
19 releasee has already submitted the required specimen under other  
20 state law.

21 [~~a-1~~] ~~A political subdivision served by the local law~~  
22 ~~enforcement authority may bill any unpaid amount under Subsection~~  
23 ~~(a)(2), identified separately, within a bill for a utility service~~  
24 ~~provided by the political subdivision to the releasee and may~~  
25 ~~suspend service of the utility to a releasee who is delinquent in~~  
26 ~~payment of the amount until the delinquent claim is fully paid to~~  
27 ~~the political subdivision. In this subsection, "utility service"~~

1 ~~means water, wastewater, sewer, gas, garbage, electricity, or~~  
2 ~~drainage service.~~

3 ~~[(b) The division or political subdivision, as applicable,~~  
4 ~~shall remit an amount collected under this section to the~~  
5 ~~applicable local law enforcement authority.~~

6 ~~[(c) In a parole or mandatory supervision revocation~~  
7 ~~hearing under Section 508.281 at which it is alleged only that the~~  
8 ~~releasee failed to make a payment under this section, it is an~~  
9 ~~affirmative defense to revocation that the releasee is unable to~~  
10 ~~pay the amount as ordered by a parole panel. The releasee must~~  
11 ~~prove the affirmative defense by a preponderance of the evidence.]~~

12 ARTICLE 2. CONFORMING AMENDMENTS

13 SECTION 2.01. Article 42.016, Code of Criminal Procedure,  
14 is amended to read as follows:

15 Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION  
16 REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted  
17 of, receives a grant of deferred adjudication for, or is  
18 adjudicated as having engaged in delinquent conduct based on a  
19 violation of an offense for which a conviction or adjudication  
20 requires registration as a sex offender under Chapter 62, ~~[as added~~  
21 ~~by Chapter 668, Acts of the 75th Legislature, Regular Session,~~  
22 ~~1997,~~] the court shall:

23 (1) issue an order requiring the Texas Department of  
24 Public Safety to include in any driver's license record or personal  
25 identification certificate record maintained by the department for  
26 the person an indication that the person is subject to the  
27 registration requirements of Chapter 62 ~~[, as added by Chapter 668,~~

1 ~~Acts of the 75th Legislature, Regular Session, 1997]~~;

2 (2) require the person to apply to the Texas  
3 Department of Public Safety in person for an original or renewal  
4 driver's license or personal identification certificate not later  
5 than the 30th day after the date the person is released or the date  
6 the department sends written notice to the person of the  
7 requirements of Article 62.060 [~~62.065~~], as applicable, and to  
8 annually renew the license or certificate;

9 (3) notify the person of the consequence of the  
10 conviction or order of deferred adjudication as it relates to the  
11 order issued under this article; and

12 (4) send to the Texas Department of Public Safety a  
13 copy of the record of conviction, a copy of the order granting  
14 deferred adjudication, or a copy of the juvenile adjudication, as  
15 applicable, and a copy of the order issued under this article.

16 SECTION 2.02. Section 2(b), Article 42.22, Code of Criminal  
17 Procedure, is amended to read as follows:

18 (b) The state also has a restitution lien to secure the:

19 (1) amount of fines or costs entered against a  
20 defendant in the judgment in a felony criminal case;

21 (2) amount of reimbursement for costs of:

22 (A) confinement ordered under Article 42.038; or

23 (B) notice provided under Article 62.056 [~~62.03~~]  
24 or 62.201 [~~62.04~~]; and

25 (3) amount of damages incurred by the state as a result  
26 of the commission of an offense under Section 38.04, Penal Code, in  
27 which the defendant used a motor vehicle while the defendant was in

1 flight.

2 SECTION 2.03. Article 60.051(f), Code of Criminal  
3 Procedure, is amended to read as follows:

4 (f) The department shall maintain in the computerized  
5 criminal history system any information the department maintains in  
6 the central database under Article 62.005 [~~62.08~~].

7 SECTION 2.04. Section 12.120(a), Education Code, is amended  
8 to read as follows:

9 (a) A person may not serve as a member of the governing body  
10 of a charter holder, as a member of the governing body of an  
11 open-enrollment charter school, or as an officer or employee of an  
12 open-enrollment charter school if the person:

13 (1) has been convicted of a felony or a misdemeanor  
14 involving moral turpitude;

15 (2) has been convicted of an offense listed in Section  
16 37.007(a);

17 (3) has been convicted of an offense listed in Article  
18 62.001(5) [~~62.01(5)~~], Code of Criminal Procedure; or

19 (4) has a substantial interest in a management  
20 company.

21 SECTION 2.05. Section 45.004(c), Family Code, is amended to  
22 read as follows:

23 (c) In this section, "local law enforcement authority" has  
24 the meaning assigned by Article 62.001 [~~62.01~~], Code of Criminal  
25 Procedure.

26 SECTION 2.06. Section 45.103(c), Family Code, is amended to  
27 read as follows:

1 (c) A court may order a change of name under this subchapter  
2 for a person subject to the registration requirements of Chapter  
3 62, Code of Criminal Procedure, if, in addition to the requirements  
4 of Subsection (a), the person provides the court with proof that the  
5 person has notified the appropriate local law enforcement authority  
6 of the proposed name change. In this subsection, "local law  
7 enforcement authority" has the meaning assigned by Article 62.001  
8 [~~62.01~~], Code of Criminal Procedure.

9 SECTION 2.07. Sections 54.051(g) and (h), Family Code, are  
10 amended to read as follows:

11 (g) If the juvenile court places the child on probation for  
12 an offense for which registration as a sex offender is required by  
13 Chapter 62, Code of Criminal Procedure, and defers the registration  
14 requirement until completion of treatment for the sex offense under  
15 Subchapter H, Chapter 62 [~~Article 62.13~~], Code of Criminal  
16 Procedure, the authority under that article to reexamine the need  
17 for registration on completion of treatment is transferred to the  
18 court to which probation is transferred.

19 (h) If the juvenile court places the child on probation for  
20 an offense for which registration as a sex offender is required by  
21 Chapter 62, Code of Criminal Procedure, and the child registers,  
22 the authority of the court to excuse further compliance with the  
23 registration requirement under Subchapter H, Chapter 62 [~~Articles~~  
24 ~~62.13(1)-(r)~~], Code of Criminal Procedure, is transferred to the  
25 court to which probation is transferred.

26 SECTION 2.08. Section 411.0091(b), Government Code, is  
27 amended to read as follows:

1 (b) The sex offender compliance unit shall investigate and  
2 arrest individuals determined to have committed a sexually violent  
3 offense, as defined by Article 62.001 [~~62.01~~], Code of Criminal  
4 Procedure.

5 SECTION 2.09. Section 411.088(b), Government Code, is  
6 amended to read as follows:

7 (b) The department may not charge for processing an  
8 electronic inquiry for information described as public information  
9 under Article 62.005 [~~62.08~~], Code of Criminal Procedure, made  
10 through the use of the Internet.

11 SECTION 2.10. Section 109.001(2), Occupations Code, is  
12 amended to read as follows:

13 (2) "Local law enforcement authority" has the meaning  
14 assigned by Article 62.001 [~~62.01~~], Code of Criminal Procedure.

15 SECTION 2.11. Section 38.111(a), Penal Code, is amended to  
16 read as follows:

17 (a) A person commits an offense if the person, while  
18 confined in a correctional facility after being charged with or  
19 convicted of an offense listed in Article 62.001(5) [~~62.01(5)~~],  
20 Code of Criminal Procedure, contacts by letter, telephone, or any  
21 other means, either directly or through a third party, a victim of  
22 the offense or a member of the victim's family, if:

23 (1) the victim was younger than 17 years of age at the  
24 time of the commission of the offense for which the person is  
25 confined; and

26 (2) the director of the correctional facility has not,  
27 before the person makes contact with the victim:

1 (A) received written and dated consent to the  
2 contact from:

- 3 (i) a parent of the victim;  
4 (ii) a legal guardian of the victim;  
5 (iii) the victim, if the victim is 17 years  
6 of age or older at the time of giving the consent; or  
7 (iv) a member of the victim's family who is  
8 17 years of age or older; and

9 (B) provided the person with a copy of the  
10 consent.

11 SECTION 2.12. Section 521.101(h), Transportation Code, is  
12 amended to read as follows:

13 (h) The department shall automatically revoke each personal  
14 identification certificate issued by the department to a person  
15 who:

16 (1) is subject to the registration requirements of  
17 Chapter 62, Code of Criminal Procedure [~~as added by Chapter 668,~~  
18 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

19 (2) fails to apply to the department for renewal of the  
20 personal identification certificate as required by Article 62.060  
21 [~~62.065~~], Code of Criminal Procedure.

22 SECTION 2.13. Section 521.103(a), Transportation Code, is  
23 amended to read as follows:

24 (a) The department may issue an original or renewal personal  
25 identification certificate to a person whose driver's license or  
26 personal identification certificate record indicates that the  
27 person is subject to the registration requirements of Chapter 62,

1 Code of Criminal Procedure, [~~as added by Chapter 668, Acts of the~~  
2 ~~75th Legislature, Regular Session, 1997,~~] only if the person:

3 (1) applies in person for the issuance of a  
4 certificate under this section; and

5 (2) pays a fee of \$20.

6 SECTION 2.14. Section 521.348(a), Transportation Code, is  
7 amended to read as follows:

8 (a) A driver's license is automatically revoked if the  
9 holder of the license:

10 (1) is subject to the registration requirements of  
11 Chapter 62, Code of Criminal Procedure [~~, as added by Chapter 668,~~  
12 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

13 (2) fails to apply to the department for renewal of the  
14 license as required by Article 62.060 [~~62.065~~], Code of Criminal  
15 Procedure.

16 ARTICLE 3. TRANSITIONS; EFFECTIVE DATE; REPEALERS

17 SECTION 3.01. (a) Except as provided by Subsection (b) of  
18 this section, the changes in law made by this Act in amending  
19 Chapter 62, Code of Criminal Procedure, apply to a person subject to  
20 Chapter 62, Code of Criminal Procedure, for an offense or conduct  
21 committed or engaged in before, on, or after the effective date of  
22 this Act.

23 (b) To the extent that the changes in law made by this Act to  
24 Chapter 62, Code of Criminal Procedure, change the elements of or  
25 punishment for conduct constituting a violation of Chapter 62,  
26 those changes apply only to conduct engaged in on or after the  
27 effective date of this Act. Conduct engaged in before the effective

1 date of this Act is governed by the law in effect at the time the  
2 conduct was engaged in, and that law is continued in effect for that  
3 purpose.

4 SECTION 3.02. The change in law made by this Act in adding  
5 Article 13.30, Code of Criminal Procedure, applies only to an  
6 offense committed on or after the effective date of this Act. For  
7 purposes of this section, an offense is committed on or after the  
8 effective date of this Act if any element of the offense occurs on  
9 or after the effective date of this Act. An offense committed  
10 before the effective date of this Act is governed by the law in  
11 effect at the time the offense was committed, and that law is  
12 continued in effect for that purpose.

13 SECTION 3.03. The change in law made by this Act in amending  
14 Article 26.13(h), Code of Criminal Procedure, applies only to a  
15 plea of guilty or a plea of nolo contendere that is entered on or  
16 after the effective date of this Act. A plea of guilty or a plea of  
17 nolo contendere that is entered before the effective date of this  
18 Act is governed by the law in effect at the time the plea was  
19 entered, and that law is continued in effect for that purpose.

20 SECTION 3.04. The change in law made by this Act in  
21 repealing Subsections (g) and (h), Section 19, Article 42.12, Code  
22 of Criminal Procedure, and in amending Section 508.186, Government  
23 Code, applies only to a person who is placed on community  
24 supervision or released on parole or mandatory supervision for an  
25 offense committed on or after the effective date of this Act. A  
26 person who is placed on community supervision or released on parole  
27 or mandatory supervision for an offense committed before the

1 effective date of this Act is governed by the law in effect on the  
2 date the offense was committed, and that law is continued in effect  
3 for that purpose. For purposes of this section, an offense is  
4 committed on or after the effective date of this Act if any element  
5 of the offense occurs on or after the effective date of this Act.

6 SECTION 3.05. The change in law made by this Act in amending  
7 Article 44.01, Code of Criminal Procedure, applies only to an  
8 appeal brought by the state on or after the effective date of this  
9 Act.

10 SECTION 3.06. The change in law made by this Act in adding  
11 Section 411.1473, Government Code, applies only to a person who,  
12 for the first time, must register as a sex offender under Chapter  
13 62, Code of Criminal Procedure, on or after the effective date of  
14 this Act.

15 SECTION 3.07. Subsections (g) and (h), Section 19, Article  
16 42.12, Code of Criminal Procedure, are repealed.

17 SECTION 3.08. This Act takes effect September 1, 2005.